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No. 61

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. STRICKLAND).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 6, 2022.

I hereby appoint the Honorable MARILYN STRICKLAND to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 10, 2022, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with time equally allocated between the parties and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

LETTER TO CONGRESS FROM THE DUDYKEVYCH FAMILY

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. NORMAN) for 5 minutes.

Mr. NORMAN. Madam Speaker, I rise today to read a letter from the Dudykevych family, who are originally from Ukraine and are now living in Tega Cay, South Carolina. They still have family who refuse to leave their homes and their country which, as we all know by now, is under brutal attack by the Russians.

The father of the Dudykevych family literally built their home with his own hands, which is now being destroyed for one reason and one reason alone—they desire freedom.

The heartfelt letter reads like this:

“To President Biden and to Members of the 117th Congress of the United States of America, we highly appreciate your legislative initiatives and clear stance against the cruel and diabolic Russian aggression against Ukraine.

“Today, I am urgently asking you to actively support immediate delivery of Eastern European fighter planes to Ukraine. The brave Ukrainian Army and the country’s heroic citizens are winning the war on the ground.

“The problem is that Ukraine’s cities are being destroyed and the citizens are being murdered from the air. I am requesting your urgent help in convincing the White House that immediate delivery of MiG planes to Ukraine should be the highest priority in support of a free Ukraine.

“What we are witnessing is a genocide against the Ukrainian people. We have an ability in this country and in the allied bases in Europe to stop these murderous attacks from the air. We have a moral obligation to do so. Our words are meant to reinforce President Zelenskyy’s urgent demand for fighter planes.

“Ukrainian cities are lying in ruins, and thousands of citizens are dead and will keep dying because Ukraine’s denial of fighter jets. These planes will protect the Ukrainian sky from Russian air raids.

“There are MiG-29 warplanes sitting at Allied bases in Europe ready for an immediate transfer. Ukrainian pilots are well-trained on these warplanes and can use them to stop the murderous attacks from the air tonight.

“We can no longer sit back and watch schools, hospitals, homes, apartment buildings, bomb shelters, every-

day people of all ages being mass murdered on a daily basis.

“The news that a mother in labor and her unborn baby died after a maternity ward was bombed in Mariupol broke my heart. It is a tragedy that could have been prevented if Ukraine had the planes to defend the sky.

“I know you deal with many requests, but this is an existential need. Ukraine will not survive without your support. Nothing means more to me at this moment. The world is in desperate need of American leadership. Sincerely, Mila Dudykevych.”

This letter was emailed to me 12 days ago on Sunday, March 27, at 2:50 p.m. We all have seen the death and destruction that has occurred since this date, all which could have been avoided if this President had exercised leadership months ago by allowing for the release of the fighter jets, which he failed then and continues to fail now by refusing to honor the request of a desperate Ukrainian people whose only desire is to live in a free country for which they are willing to fight and die.

President Biden, the Ukrainian people and all the free people around the world do not deserve this type of blatant incompetence and willful neglect by the leader of the free world. Historians will record this truly sad course of events for all the world to see in the coming months and years. Mr. President, the words that will be recorded in the annals of history will not be kind.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

WE MUST WELCOME FLEEING UKRAINIANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Madam Speaker, this weekend, the world watched in horror as the retreat of Russian forces from

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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the town of Bucha revealed the scope of the appalling war crimes committed by Vladimir Putin's military.

Journalists and the Ukrainian military discovered mass graves, bodies left in the streets, and the evidence of a massacre of civilians. These are war crimes.

We know now, with certainty, what fate awaits Ukrainians who are subjected to Russian occupation. The United States must open its doors to welcome Ukrainians who are fleeing this invasion.

As co-chair of the Congressional Ukraine Caucus, early on in the conflict, I and others called on the Biden administration to extend temporary protected status to Ukrainians already in the United States. I was proud when the President heeded that call and when he subsequently increased the refugee cap.

We must do everything in our power to accept fleeing refugees expeditiously. This is a matter of life and death. Over 4 million refugees have already fled the violence in Ukraine. Half of those refugees are children. Millions more remain trapped in cities and villages without access to food, clean water, or medical care.

We now know that Putin's military is willing to slaughter any innocents left behind. It is absolutely critical that the U.S. do everything in its power to assist the people of Ukraine. This means military assistance, yes, but it also means providing for Ukrainians who make the difficult decision to leave their homes behind.

We must support the nations that are already taking in refugees. Allies, like Poland, have already admitted more than 2 million Ukrainian refugees into their nation, and we should ensure that Poland and other countries that have opened their doors are able to help these Ukrainians resettle safely.

This also means continuing to investigate the reports of refugees of color being turned away at border crossings. Here in the U.S., we have a long history as a safe harbor for people of the world.

It has been inspiring to see Americans offer unwavering support for Ukraine from the outset of the Russian invasion. I am confident that this support will mean Americans will rally together to support any Ukrainian refugees who arrive on our shores. As they do, Congress has an opportunity to reform our immigration system to be more welcoming to individuals around the world who are in need.

I share the outrage of my constituents who are watching what is unfolding in Ukraine. As an advocate for Ukrainians here at home and abroad, I am also reminded that there are other atrocities occurring around the world. We can, and must, extend the same outrage we have for the crimes in Bucha to the crimes in Syria, the conflict in Tigray, the famine in Yemen, and the violence in the Northern Triangle. And just as we open our doors to

Ukrainian refugees, we can, and must, open our doors to refugees from around the world.

In recent weeks, I have urged the Biden administration to end title 42. This policy allowed the U.S. to use the pandemic as justification for expelling migrants without a hearing before an immigration judge. The administration just announced last week that they intend to end this policy.

One immediate effect will be that Ukrainians arriving at our borders will be able to seek asylum more easily, but, critically, it also means that migrants from the global south will no longer be stranded in the immigration process. The Federal Government should seek out other avenues in which providing recourse for Ukrainians will make our system more equitable for all immigrants.

Since the beginning of the pandemic, foreign citizens seeking entry into the U.S. have faced months-long waits for counselor appointments. That backlog now threatens to prevent fleeing Ukrainians from reaching our shores.

The lengthy immigrant visa delays have caused many Ukrainians to turn to nonimmigrant visas so they can reach temporary safety with family or friends in the U.S. Yet, as Ukrainians and other foreign citizens have been increasingly forced to utilize nonimmigrant visas, wait times have drastically increased.

Reporting last month showed that wait times in Hungary were 275 days. In Moldova, the wait was 329 days. On February 28, the wait in Warsaw, Poland, was 86 days. Two days later, the wait was 134 days for visitor visas and more than 40 days for other types.

I sincerely hope the State Department finds a way to dramatically decrease processing times for Ukrainians who have fled their homelands, but we cannot simply prioritize Ukrainian cases and leave all others behind. These wait times impact immigrants, refugees, and asylum seekers from around the world. Ukrainians are not the only ones whose lives are in danger.

The tragedy in Ukraine has shone a bright spotlight on the need for our entire immigration system to be more inclusive. Congress cannot allow this moment to pass without finally addressing the flaws in our system. Too many lives hang in the balance for us to do nothing.

HONORING THE LIFE OF MIKE JILOTY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. WALTZ) for 5 minutes.

Mr. WALTZ. Madam Speaker, on December 25, Volusia County, Florida, lost a great businessman and valued community leader, Mike Jiloty. Through Mike's hard work and personal approach to business, he received hundreds of industry awards. Serving as the president of United Way of

Volusia and Flagler Counties, Mike fought for the health, education, and stability of every person in his community. He dedicated his time to the FUTURES Foundation for Volusia County Schools to better prepare students for their careers.

As a graduate of the Leadership Florida Class XIV, Mike used his skills as a leader to serve his community and was honored by several organizations, including the Volusia Association of School Administrators, the Daytona Beach Community College Foundation, the Conklin Center for the Blind, and the Lodging and Hospitality Association of Volusia County.

Madam Speaker, Mike Jiloty is a true example of a servant leader. He sought to inspire others, to make his community a better place, and he is missed dearly. It is my honor to recognize him on the floor of the House of Representatives today.

HONORING THE 75TH ANNIVERSARY OF JACKIE ROBINSON INTEGRATING BASEBALL

Mr. WALTZ. Madam Speaker, Jackie Robinson once said, "A life is not important except in the impact it has on other lives." On April 15, 1947, Jackie Robinson created a lasting impact on the lives of generations of Americans when he stepped out of the dugout at Ebbets Field before a crowd of more than 26,000 spectators. This moment would change the course of history and have a lasting impact for generations as he broke the color barrier as the first African-American player in professional baseball history.

Jackie Robinson is a true servant leader, and his life and legacy has had a major impact across the country, including in my own congressional district, where I am honored to have a piece of his legacy at the Daytona City Island Ballpark where, in 1946, Jackie Robinson played in the very first integrated major league baseball spring training game. In 1990, in honor of the life and legacy of Jackie Robinson, the Daytona City Island Ballpark would be renamed the Jackie Robinson Memorial Ballpark.

Jackie Robinson's impact was felt across the Nation. It was the first time a Black player competed with a minor league team against a major league team since the color line was implemented in baseball in the 1880s. As we observe the 75th anniversary of his courageous act, it is clear the impact and legacy of Jackie Robinson on the advancement of human rights will be everlasting.

A1A DESIGNATED AN ALL-AMERICAN ROAD

Mr. WALTZ. Madam Speaker, of the approximately 4 million miles of byways and highways that stretch in all directions across the United States, there are very few that come close to the beauty, history, and serenity that encompasses the 72-mile stretch of A1A that runs from St. Johns County, Florida, to Flagler County. Flanked by the Atlantic Ocean and crisscrossing the St. Johns River and Intracoastal Waterway, for more than 75 years the A1A

has provided motorists with breathtaking views as it seamlessly intertwines Florida's most remarkable coastal landscapes and deep-rooted history.

As a kid growing up in northeast Florida, any drive along the A1A scenic and historic coastal byway was a reminder of how lucky we were to live in such a beautiful place.

Now, as the Representative of Florida's north central region, home to beautiful segments of A1A, I was proud to cast one of my very first votes in support of the Reviving America's Scenic Byways Act in February of 2019. This act requires the Department of Transportation to issue a request for nominations to be designated under the National Scenic Byways Program and make publicly available a list specifying the roads designated. President Trump signed the bill into law in September of 2019.

I am pleased to announce in the CONGRESSIONAL RECORD that on March 29 of 2022, the ribbon-cutting ceremony occurred for the Federal Highway Administration's designation of this beautiful stretch of A1A as an All-American Road.

REMEMBERING DR. TERRANCE NEWTON

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Delaware (Ms. BLUNT ROCHESTER) for 5 minutes.

Ms. BLUNT ROCHESTER. Madam Speaker, today, I rise to remember the life of a remarkable public servant, leader, and educator, Dr. Terrance Newton.

Today, family, friends, and his beloved Warner School community are saying good-bye to a person who they called Newt.

Dr. Newton was a fixture in the Delaware education system for decades, himself a product of Wilmington's East Side, a Kappa Alpha Psi man, and a Delaware State University man.

Newt would become known to his students as their most fervent advocate and ally. Every morning, he would stand on the front steps of Warner Elementary and greet students as they passed through the front doors, hugging them, high-fiving them, and inspiring every child.

Dr. Newton was always looking for unique and impactful ways to connect with his students, going so far as to open a barbershop where he could cut the students' hair in school, giving them a safe space to talk about their academics, their communities, and their lives.

It is no exaggeration to say that Dr. Terrance Newton was a powerful pillar of the community, a real-life superhero who spent every day devoted to the next generation of Delawareans.

We have lost Dr. Terrance Newton far too soon, but because of all the energy, inspiration, and love that he poured into his students, family, and commu-

nity, his legacy will live on for a lifetime.

To his family, colleagues, students, friends, I send sincere condolences.

Madam Speaker, I close with some words from Dr. Newton himself. He said of his students: "When I see them, I see me. So, my goal is to change the world."

Indeed, Dr. Newton, you did.

FEDERAL AND STATE AGENCIES TAKING FARMERS' WATER SUPPLY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LAMALFA) for 5 minutes.

Mr. LAMALFA. Madam Speaker, I have been speaking a little bit lately about our supply chain issues and the effects of inflation on real Americans, real families, and talking a lot about food grown in this country and the effects of some of the decisions made by government on the ability to grow food, especially in my home State of California, which affects so much of the supply chain for fruits, vegetables, and nut products that the whole country, and even the world export market, enjoys and uses.

What we are wrestling with right now are decisions made by Federal and State agencies on the effects of water supply in California and the ripple effect it has on so many products.

For example, earlier this year, a decision was made to withdraw what is called a TUCP, a temporary urgency change petition, for the amount of water that would be flowing from our storage in California out through the delta and into the Pacific. This is geared toward how much water is going to be there for delta salinity and fish habitat situations in the delta and upstream, somewhat.

There was an opportunity back in December and January to curtail some of the water flows that were coming out of limited storage we already have in the State of California, mainly Shasta Dam and Oroville Dam, this on the heels of a drought last year.

Lake Oroville, for example, hit its lowest number ever. It didn't even make hydropower for the first time in 50 years because the lake was so low.

So, decisions were made based on a pretty decent amount of rainfall in October and quite a bit of rain and snowpack in December to withdraw what was called the TUCP, the temporary urgency change petition, which would have the ability to let less water out through the delta and a little less for the salinity and fish habitat issues.

By the way, the fish, one of the ones we are talking about, is called the delta smelt. They haven't found one, in what they call trawls looking for the fish, in 3 years. They are pretty much nonexistent. Yet, we are still allowing hundreds of thousands of acre-feet of precious water to go out through the bay to somehow try to mitigate that situation.

They decided to withdraw the change petition, the TUCP, a decision made on January 21, to say we are going to go ahead and let the water flow at a higher level than is necessary. Water will be trickling out of our dams, out of our storage, at a rate much more than is needed for a perception of salinity or fish.

At the time when we are looking at drought in California, low water supplies, and all the unrest we have in the world's food supply chain—Hungary, for example, is not going to export grain this year. Russia and Ukraine had been world market participants in grain, especially Ukraine.

Ukraine is a very, very rich country in wheat and many other ag products. Their farmers, right now, are out there trying to plant crops amidst all the bombs being dropped on them by Russia. God bless them. But farmers in this country are having bombs dropped on them by Federal and State agencies taking their water away.

At a point where we could have curtailed a little bit of the water going out through the delta and kept it for ag use to grow rice, to grow almonds, to grow olives, to grow tomatoes, many things that we need, they decided on January 21, no, we are just going to let the water go out at the same rate.

At that point, Lake Shasta was only at 35 percent of its capacity. Lake Oroville was only at 45 percent of its capacity. They thought, well, we are going to bank on the idea that more rain is going to come post-January 21 up until maybe April 1, when, historically, the rainfall tapers off.

These lakes are both well under half full. They decided, no, we have plenty of water because we had a massive amount of rain and snow in December. I mean, they threw the baby out with the bathwater, so to speak, in making this decision because anybody could have seen that we needed to keep every drop in those lakes that is coming in there to build them up.

Now, had they reached the flood stage where they have to allow a buffer of space in the dams to provide for flood control, which is approximately about 850 feet of elevation in Oroville and, I am going to guess, about 70, 75 percent of capacity—they are well below that. They thought, oh, we are going to have so much water coming in that we will meet these marks.

Well, guess what? The rain did not come in the latter part of January or February or March, and now we are in the first few days of April.

Here at this point, we are going to be short on food, short on water, and they are just now thinking about putting the TUCP in here in early April. It is very shortsighted and appalling.

CELEBRATING THE LIFE OF DR. TOM RIVERA

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. RUIZ) for 5 minutes.

Mr. RUIZ. Madam Speaker, I rise today to celebrate the life of an inspiring leader, a great visionary, and my friend, Dr. Tom Rivera.

Dr. Tom was born on September 22, 1939, in Colton, California. After graduating from Colton High School, he attended San Bernardino Valley College; California State University, Los Angeles; the University of California, Riverside; and eventually UCLA, where he earned his doctorate in education.

It was at Cal State LA that he met the love of his life, Dr. Lily Rivera, who shared his passion for service. Together, they served in the Peace Corps in Colombia, South America, before marrying in 1965.

In all that he did, Dr. Tom strived to inspire his students to achieve their dreams. As associate dean for undergraduate studies at CSU San Bernardino, he was a pillar of the community. He devoted himself to the empowerment of local youth and maintained leadership roles in organizations including the Kiwanis Club of Greater San Bernardino, LULAC, the Pure Land Foundation, and more.

Dr. Tom was relentless in his advocacy. Even in the face of his own health challenges, he continued his pursuit of a better future where Hispanic youth could achieve their dreams.

In 1984, just 3 years after contracting a virus that left him paralyzed, he helped found the Inland Empire Future Leaders Program, joining forces with fellow educators, Susan Castro, Frank Acosta, Henry Vasquez, and Bill Allison.

Dr. Tom founded the organization to address dropout rates among Hispanic students. His vision was to encourage youth to be proud of their roots and to make a difference in their communities.

All these years later, that vision is fulfilled in the Inland Empire Future Leaders Program's tremendous success. It is fulfilled in the educators, lawyers, doctors, and countless other Inland Empire Future Leaders Program graduates who have gone on to achieve so many great things.

It is fulfilled right here in the Halls of Congress with the gentleman from California (Mr. AGUILAR), my good friend, as Democratic Caucus vice chair, and with me as chair of the Congressional Hispanic Caucus.

I stand here because of Dr. Tom. Back in the early years, in 1986, I attended one of IEFLP's leadership trainings at Camp Seeley. That summer left a lasting mark on me and changed the course of my future.

I learned the tools of leadership and returned home, motivated to serve the community. I became the first in Coachella Valley High School to be class president and ASB president all 4 years, and I learned to identify problems that needed to be addressed and to become a part of the solution.

The experience strengthened my dream and my resolve to become a doc-

tor and serve the community. You see, Dr. Tom's guidance fueled in me a passion for social justice, a passion I lived as a pre-med student organizer at UCLA.

It is with Dr. Tom's encouragement that I applied to Harvard Medical School to earn my medical degree and graduate with my master's in public health and my master's in public policy from Harvard University.

I am forever indebted to Dr. Tom for his unyielding devotion to my growth and the success of my peers. He was always there for us. He was always there to motivate us, to celebrate us, and to give us a smile when we needed it most.

He gave us a family, a familia, in which we found reassurance and strength. All IEFLP graduates share a common bond because of him. To this day, when I meet a fellow Inland Empire Future Leaders Program graduate, we reminisce about his kindness and grace.

We said good-bye to Dr. Tom just last month, in March 2022. However, we know that his legacy will live on in each and every one of us. We know that his memory will survive in the hearts of his beloved wife, Dr. Lily; his brother, Ray; his children, Evelyn, Patricia, and Tom; and all of his wonderful grandchildren.

Together, we mourn his passing and celebrate his full life, knowing that he was a good man and an extraordinary public servant whose impact will be felt for generations to come.

RECOGNIZING THE LEGACY OF DR. TOM RIVERA

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. AGUILAR) for 5 minutes.

Mr. AGUILAR. Madam Speaker, I rise today to follow the words of my good friend, Dr. RAUL RUIZ, as we honor this towering figure from our region, the Inland Empire.

For more than 50 years, Dr. Rivera served our community as an educator, administrator, and community leader. His passing in March was felt by all of us, and it left too large of a void for just one of us to fill.

Back in 1985, our region suffered. More than half of the Latino students in our region didn't finish high school.

While others ignored the problem, Dr. Tom rolled up his sleeves as an elected school board member, as a lifelong educator. He joined with community leaders to form the Inland Empire Future Leaders Program to help these students stay in school.

□ 1030

As a result, more than 99 percent of the students who go through this program have graduated high school. Ninety percent have gone to college. Dr. Tom's positive influence, his beliefs in what we could become if given the opportunity, helped shape doctors, lawyers, teachers, and, yes, a couple Members of Congress.

Dr. Tom gave working-class kids like me a chance for a better life, for ourselves and for our family, and he taught us that no matter where life takes us, never lose sight of our heritage and our culture, and always give back to our community.

It is a testament to his unwavering faith in our young people that Dr. RAUL RUIZ and I are standing on the House floor today. I was proud to call Dr. Tom a mentor, a friend, and importantly, a constituent. He would always ask me how my grandmother was doing. He went to school on the south side of Colton with members of my family, and he always took the time to ask how they were doing, what they were up to, how he could help them.

My thoughts go out to his wife, Dr. Lily Rivera, his children, and grandchildren.

Madam Speaker, now it is our responsibility, those of us in roles of making policy, those of us in our communities who strive to make our community a better place, it is up to us to carry his legacy forward and to lift up the next generation of Latino leaders.

CONCERNS ABOUT KETANJI BROWN JACKSON

The SPEAKER pro tempore (Mrs. CHERFILUS-MCCORMICK). The Chair recognizes the gentleman from Georgia (Mr. CLYDE) for 5 minutes.

Mr. CLYDE. Madam Speaker, I rise today to emphasize my concern about President Biden's U.S. Supreme Court nominee, Ketanji Brown Jackson, commonly known as KBJ, and to express my deep disappointment for any Senator that votes for her confirmation this week.

While I do not have a vote on KBJ's confirmation, I do have a voice. And I will continue using my voice to tell the American people the truth.

The truth is that Ketanji Brown Jackson is incapable of holding criminals accountable.

Throughout her career, Judge Jackson's sentences have been drastically lower than the national average, even for individuals who have committed the most egregious crimes imaginable.

When analyzing all criminal case sentencing imposed by U.S. District Courts, Judge Jackson issued significantly lighter sentences, almost 34 percent less than the national average.

Specifically, the statistics reveal a more sinister pattern when broken down to child pornography and child sex torture cases.

When sentencing criminals for possession of child pornography, KBJ imposed sentences 57 percent less than the national average. Additionally, she issued sentences 47 percent less than the national average for those convicted of distributing these atrocious images of child sex torture.

Disturbingly, child sex torture, one of the most heinous crimes of all, is met with compassion and concessions from Judge Jackson.

In fact, here are some quotes from KBJ in the U.S. v. Hawkins cases involving Mr. Hawkins, an 18-year-old adult man charged with downloading many images and videos of innocent children being tortured by sex offenders. During this case KBJ said: "I feel so sorry for you"—in reference to Mr. Hawkins himself—"and for the anguish that this has caused all of you."

Judge Jackson feels sorry for the perpetrator. Excuse me? What about the victims and the anguish that this torture has caused them?

In addition, KBJ stated: "This seems to be a situation in which you were fascinated by sexual images involving what were essentially your peers."

Peers? Really?

The vile content Mr. Hawkins possessed depicted boys as young as 8 years old. Mr. Hawkins was 18 at the time, over twice their age.

Keep in mind, the sentencing guidelines called for up to 10 years in prison for Mr. Hawkins, yet Ketanji Brown Jackson sentenced this predator to just 3 months in jail. Three months.

Madam Speaker, we are not talking about someone who disobeyed traffic laws. This is a man convicted of possessing multiple images of child sex torture.

This is sickening and wrong, plain and simple.

It is not just Judge Jackson's record that is worthy of outrage. Revelations from her recent testimony speak volumes to KBJ's interest in legislating from the bench.

When asked to provide the definition for the word "woman," KBJ absurdly said she could not, adding that she isn't a biologist.

Can you think of a more illogical excuse? The word "woman" is a term I am sure that most third graders can accurately describe with ease.

By failing to define a woman, Judge Jackson has shown her true narrative to the American people, exposing her loyalty to the woke left. It is no secret that radical activists are waging a bizarre and dangerous war on women. From women's sports to large corporations, liberals are attempting to erase women while claiming to fight for women's rights.

So by refusing to define a woman, Judge Jackson has revealed that she both accepts and supports the left's treacherous agenda. Furthermore, KBJ's inability to accept and acknowledge the differences between men and women raises serious doubt and questions about her ability to decide judicial outcomes regarding sex, such as title IX cases.

Bottom line, Ketanji Brown Jackson's resistance to the realities that exist between men and women is deeply unsettling and proves that she will adjudicate with an agenda, an immoral agenda that is blatantly wrong for our country.

In another disheartening display of her disqualifications, KBJ also refused to recognize Americans' natural rights.

From the founding of our great country, both our citizenry and our government have acknowledged that we are provided unalienable rights by our creator. It is unconscionable that a nominee to our Nation's highest court would reject this foundational principle, and it is alarming that Senators will still ignore KBJ's appalling testimony and vote for her to serve our judicial system for life.

Mark my words, Ketanji Brown Jackson's refusal to acknowledge Americans' natural rights from God is a Trojan horse for tyranny, presenting yet another glaring example of why she is unfit for the Supreme Court.

We know she is soft on crime. We know she is a vessel for the woke left's dangerous ideology. And we know she cannot definitively defend Americans' God-given rights or precious freedoms.

Yet, despite KBJ's frightening record and recent testimony, the Senate intends to vote on her confirmation to the Supreme Court this week.

If KBJ becomes a Supreme Court Justice, she will serve for decades, solidifying and strengthening the left's menacing grip on our rule of law.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLYDE. Her decisions will impact future Americans for generations to come, setting precedent that will ultimately guide our great Nation once you and I are long gone.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLYDE. Without question, Americans from Maine, Utah to Alaska, from sea to shining sea, are watching intently, praying their Senators' vote will represent—

The SPEAKER pro tempore. The gentleman is no longer recognized.

JUDGE JACKSON DESERVES CONFIRMATION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Washington (Ms. STRICKLAND) for 5 minutes.

Ms. STRICKLAND. Madam Speaker, I stand before you to talk about two topics: The confirmation of Judge Jackson, as well as the Restaurant Revitalization Fund.

Judge Jackson is more qualified than the people with whom she will serve, and she is not soft on crime. It is why she has the endorsement of the Fraternal Order of Police and the International Association of Police Chiefs, hardly the radical left.

As we look at the opportunity to make history, we want to make sure that our Supreme Court is representative and reflective of our entire Nation.

Judge Jackson deserves confirmation. She has earned it, and she will be someone that we are proud to have on the Supreme Court.

RESTAURANT RELIEF

Ms. STRICKLAND. Madam Speaker, this week is one to celebrate. After almost a year of bipartisan, bicameral

negotiations, the House will finally take up legislation to replenish the Restaurant Revitalization Fund and move us one step closer to getting much-needed relief for restaurants across the finish line.

The funds provided by Congress in 2021 were a lifeline for so many businesses in Washington State and across our Nation. Restaurants were hit especially hard by highly transmissible COVID-19 variants, staffing shortages, supply chain issues, and inflation, which only added to the existing challenges and long-term effects that brought many to the brink of closing their doors for good.

Restaurants have lost 2 years' worth of revenue, and it will take them years to recover and repay their debts. In fact, in Washington State alone, the average full-service restaurant reports being \$160,000 in debt, and it would take them over 3 years to repay it.

I know how critical this second round of funding is because I regularly hear about it from my constituents. The south Puget Sound of Washington State is the proud home of so many small, local restaurants, including Vien Dong in the Lincoln International District and Budd Bay Cafe in Olympia, to name a few.

Many businesses are still struggling to get back on their feet, and most were shut out from ever receiving relief in the first place.

That is why on February 10, I led the Washington State delegation in sending a letter to congressional leadership urging them to replenish the Restaurant Revitalization Fund and help these employers and employees in need as soon as possible.

These businesses are often neighborhood anchors and family-owned. They are often owned by women, veterans, minorities, and immigrants. They are a critical part of the south Sound and Washington State's economy. We must do everything we can to support them and push for an equitable and inclusive recovery.

FARMERS FACE ENORMOUS AND IMMEDIATE CHALLENGES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to discuss the full Agriculture Committee hearing that we held on March 16, the focus of which was the 2018 farm bill and the role of climate change.

Recently, The New York Times wrote a series of stories and produced several videos denigrating rural Americans for providing the country with the safest, most abundant, and most affordable food supply in the history of the world.

Let's set the record straight. U.S. agriculture accounts for less than 10 percent of greenhouse gas emissions, and that is according to the Environmental Protection Agency. Over the last 70

years, U.S. agriculture has tripled food and fiber production while usage of land, energy, fertilizer and other inputs has remained steady.

Early in the first session of this Congress, several of my Republican colleagues and I introduced a slate of climate-friendly and farmer-focused bills. These bills are driven by commonsense solutions to benefit our environment and our farm industry.

Our farmers, ranchers, foresters, and producers are the original climate champions. While there is more to be done, we must prevent efforts to fundamentally upend our commodity, conservation, and crop insurance programs to appease Washington think tanks. We must also reject complicating our programs and making climate the focus of every title of the upcoming farm bill reauthorization.

Madam Speaker, under the umbrella of natural land solutions, which includes farmers that grow crops, livestock, and our foresters, the research has shown that at this moment, based on the technology they use, they are responsible for sequestering 6.1 gigatons of carbon annually, greenhouse gas emissions.

To put that into perspective, that takes care of all the greenhouse gas emissions that are emitted on those lands, plus sequestering an additional 10.1 percent. So truly, the American farmer, rancher, and forester are the climate change champions anywhere in the world because of our science, technology, and innovation.

We must ensure agriculture production remains viable in rural America to keep production from increasing in areas of the world with lower environmental standards, worse labor conditions, and fewer food safety considerations. And that is why a robust safety net is critical to keeping farms and production here in the United States while lowering overall global greenhouse gas emissions.

Madam Speaker, our country and our farmers face enormous and immediate challenges including higher food prices, record inflation, and input costs, attacks on our energy independence, crop-protection tools, and dependable labor.

Now, these are the issues I hear about as I travel my district and the country. These are the issues we should be addressing.

I hope at the end of the day we recognize that our voluntary, locally led, incentive-based conservation system is working as intended, and that we must not undermine its continued success in supporting the environment and producers.

American agriculture is science. American agriculture is technology. And American agriculture is innovation. The demands of a 21st century farm economy, and economically viable climate solutions, depend on tools and policies that continue to unleash and increase the United States agriculture productivity.

VIRGIN ISLANDS HISTORY

The SPEAKER pro tempore (Mr. STANTON). The Chair recognizes the gentlewoman from the Virgin Islands (Ms. PLASKETT) for 5 minutes.

Ms. PLASKETT. Mr. Speaker, the Virgin Islands and its people speak of great resilience. We are a people rich in history and agriculture, struggles and triumphs in the face of disenfranchisement.

March 31, 2022, marked 104 years that the Virgin Islands of the United States have been part of the United States. Our islands were acquired by the United States in the costliest per-acre sale in U.S. land purchase. We became the most easterly point of the United States, and served to protect the Caribbean Basin and the Panama Canal, particularly during World War I.

The sale of the Danish West Indies pulled Denmark out of depression and gave them the capital resources, gold bullion, necessary for them to become the happiest country that we know today. The brutal slavery and serf system that they inflicted on my ancestors, however, was not a happy time.

During the transfer of ceremonies on March 31, 1917, the people of the Virgin Islands, my people, were citizens of no country. All four of my grandparents were alive and living on the island of St. Croix at the time of the transfer.

Only qualified Danish citizens living in Denmark were able to vote in the plebiscite.

□ 1045

Of my eight great-grandparents, I believe one may have met the land and income requirement mandatory to be able to vote. Only one would have been able to vote for his destiny.

And after the purchase, those living in the territory, my grandparents, great-grandparents, aunts, uncles, my family, were citizens of no country, nowhere, for 10 years.

Yet, after becoming citizens, Virgin Islanders came immediately to Washington and petitioned, pleaded to be part of the draft. You see, Virgin Islanders, like the other territories, serve and give the ultimate sacrifice in far greater number per capita than those Americans on the mainland. We wanted and still are willing to take on the responsibility, not just the privilege.

Until the United States began ownership of territories, largely comprised of minority, Black and Brown people, disenfranchisement of territories was a temporary condition. From the 1787 Northwest Ordinance until the acquisition of Puerto Rico, lands were deemed territories with the expectation that they would become States.

The disenfranchisement and unequal treatment of people in the Virgin Islands are de jure law. The Insular Cases decided at the turn of the century in the Plessy v. Ferguson-era by the Supreme Court, established a doctrine of separate and unequal status for overseas territories.

However, the disenfranchisement and unequal treatment continues today through court cases in the Bush, Obama, Trump, and now Biden administration, through their oral and written arguments to the Supreme Court, as well as my own colleagues, Congress' unwillingness to grant equal treatment requests made by representatives from the territories.

My fight in Washington has been to level and create equity, to counter the many ways that such disenfranchisement affects our lives, Federal funding, healthcare access, veterans' benefits, structural damage after natural disasters due to longstanding inequitable funding.

It is my deepest honor to be grounded by my history, my parents, and my ancestors from the Virgin Islands, many of whom have played an integral role in the history of this Nation, long even before we were a part of this country; from Denmark Vesey, leader of the Charleston, South Carolina, slave revolt; David Levy Yulee, the first Jewish Senator in the United States; William Leidesdorff, the founder of San Francisco; Edward Wilmot Blyden, one of the founders of Liberia; even today, my predecessor, the first female physician of this body as a Member of Congress, Donna Christensen; and even this weekend, NCAA Women's Basketball Champion, Aliyah Boston.

Our contributions to this Nation are undisputed, and 104 years after our transfer from Denmark to the U.S. possession, our claim to full and inviolable rights as citizens of this country are long overdue.

COMMUNITY PROJECT FUNDING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Michigan (Ms. TLAIB) for 5 minutes.

Ms. TLAIB. Mr. Speaker, I rise as a proud Member to support the 13th Congressional District.

My district is the third poorest Congressional District in the country, and direct funding and aid to support our most vulnerable communities is so critical to communities like mine.

I want to take a moment to uplift the work that my team and I have done to deliver for our residents through the community projects funding.

I don't know if folks know, but we have the oldest Boys and Girls Club in the Nation, and they are going to see \$2 million in investments to improve the facility in Highland Park so more of our young people can come into a building that is safe and a building that is going to be able to help them thrive.

Also, the Urban Neighborhoods Initiative's Southwest Detroit Creative Connections Collaborative; they are going to be able to create a safe space, community space for our families, especially our youth. This is the community I grew up in, with 20 different ethnicities.

We are also going to be able to help Detroit homeowners receive home repair grants for energy efficiency. Enterprise Community Partners is so eager to be able to work with my seasoned residents; and my seasoned residents are eager to see their homes become not only energy efficient, but also accessible, as many are struggling with access because of disability.

The Eastside Community Network is going to be able to establish the Stoudamire Wellness HUB for the eastside Detroit residents who are, right now, struggling to access healthcare.

We are also going to be able to help, some relief—and this is just the beginning—to help many of our families in Dearborn Heights and Wayne County address the number of families that continue to be impacted by flooding because of Ecorse Creek's challenges.

We are also going to be able to support ProsperUS Detroit Micro Lending to support some of our small businesses and expand some of the work they have already done to Detroit all the way to western Wayne and Inkster.

I am also so proud of the investment that we are going to have in the Ruth Ellis Center to provide safe, affordable, identity-affirming housing for marginalized Black and Brown Detroiters, especially my LGBTQ-plus youth.

I am also going to be able to stand there with my City of Wayne residents to see, finally, the Goudy Park Amphitheater space be able to be rehabbed. It is a space that many of our schools use for graduations, for gatherings, and just really truly coming together as a community.

We are also going to be able to see over 300 of our high school students in the Western Wayne School District, along with the partnership of SEMCA, be able to access vocational technology, career-tech programs.

We are also going to see a \$2.5 million investment in our Inkster Senior Wellness Center. This is one of—again, Inkster has some of my spectacular seasoned residents, and they are eager, again, to have a space to come together, especially after the challenges during the pandemic.

I want to thank Chairwoman DeLauro and the Appropriations Committee staff, and the incredible hard work of my team, for a thoughtful and engaging process that really targeted communities with the most needs.

I am proud and committed to continued engagement with all of my 13th Congressional District communities to find funding to address the needs because they truly deserve it.

AFFORDABLE INSULIN NOW

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. GARCIA) for 5 minutes.

Ms. GARCIA of Texas. Mr. Speaker, I rise to recognize the incredible impact the bipartisan Affordable Insulin Now Act will have on Americans across the Nation.

It is no secret diabetes poses a major health burden to Americans across our country. Texas, in particular, suffers greatly from the effects of type 2 diabetes. Every day, new Texans are diagnosed. On top of that, the rate of new cases increases every single year.

This topic, Mr. Speaker, hits very close to home. I have seen firsthand the hurdles diabetes creates for families simply looking to live a quiet life and be alone and have a good, productive life. In my family, my mother faced uphill health battles because of diabetes most of her adult life. She died eventually of diabetes complications.

Diabetes runs in my family. In fact, my doctor tells me that no matter what I do, I may end up getting diabetes. I am one of 10 children. Five of us have already gotten diabetes and are dependent on insulin.

Sadly, this epidemic disproportionately impacts older adults, especially Latinos, minorities, and populations with lower levels of education. It remains one of the leading causes of death in Texas and the United States. In my own home county of Harris County, diabetes is the fifth leading cause of death.

Even when purchased through Medicare, insulin is more than three times as expensive in the United States than in the U.K. The bipartisan Affordable Insulin Now Act is truly needed to save lives.

The Affordable Insulin Now Act caps insulin copays at \$35 per month or 25 percent of an insurance plan's negotiated price, whichever is lower. It is a great first step, and it will save lives. But more must be done.

You see, Mr. Speaker, Americans without health insurance will not benefit from this bill. This will help those residents who are fortunate to already have health insurance, and we welcome this support. Again, it is a great first step. But much more is very needed.

Texas is the State with the highest rate of uninsured individuals and, in my district, 33 percent of the residents in my district do not have health insurance.

In fact, Mr. Speaker, my district has the highest number of uninsured people than in any other district in the Nation. To make matters worse, diabetes is highly concentrated in east Texas, the area where I live. It pains me that these folks were not included in the bill.

The immense health and emotional challenges diabetes brings to households are burdensome enough; but its economic strain is ruthless to families not fortunate enough to have insurance.

Because of corporate greed and companies focused only on profits, Texans without medical insurance face astronomical prices for insulin. In short, people with diabetes have medical expenses approximately 2.3 times higher than those who do not have diabetes.

The out-of-pocket costs for healthcare and insulin have crippled

hardworking Americans across our country. It has gotten so bad that one in four people have rationed, rationed lifesaving insulin because they could not afford proper dosage amounts. This is unacceptable and wrong, and we must do better.

No one—I repeat, no one—should have to gamble with their health by rationing insulin to make ends meet. The bipartisan Affordable Insulin Now Act will save lives, and it is a great step forward. But I will continue fighting for residents across my district who do not currently have health insurance but do need insulin. We will continue to fight until we get it done.

STOP MASS SHOOTINGS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. DEUTCH) for 5 minutes.

Mr. DEUTCH. Mr. Speaker, a recently released Violence Project study has found that more than half of all mass shootings between 1966 and 2019 occurred since 2000. There have been more and more shootings. It is getting worse and worse. Mass shootings have occurred in the workplace, on college campuses, in our houses of worship, and in our schools. We must do better.

These shootings cut off young lives and devastate families. We owe it to the victims to do more to combat gun violence in our communities. We owe it to Joaquin Oliver.

Joaquin was 17 years old when he was shot and killed with an assault rifle at Marjory Stoneman Douglas High School in Parkland, Florida. This is Joaquin.

But this symbol of Joaquin is also an assault rifle. You see, this is an assault rifle that was purchased by Joaquin's dad, Manny, without a background check.

Manny went to a gun show in Florida and bought a high-powered rifle without a background check. Then he went home, and he melted it down to make this statue of his son, who was killed by a similar weapon in his school on Valentine's Day.

This statue of Joaquin is now a powerful reminder of our weak gun laws and the countless American lives that have been stolen, families broken by gun violence.

When Manny went to a gun show, the seller pushed him to buy the rifle, to buy ammunition, to buy a high-capacity magazine, all at one time, without a background check. And Manny wondered, what's the rush?

What is the rush? Why does anyone need a deadly arsenal in one afternoon, with no questions asked?

We have put a lot of effort into making background checks work well for legal gun buyers. The National Instant Criminal Background System, the NICS system, returns results in as fast as 30 seconds.

Every gun buyer at a gun show, every gun buyer online, every gun buyer at a licensed dealer, every gun buyer should

go through that system to keep our communities safe. But they don't because of a dangerous loophole like the one that allowed Manny to buy an AR-15 at a gun show without a background check.

□ 1100

The background check system is the foundation of gun safety in America. When that foundation is weak, like it is today, it makes all of us less safe.

We need universal background checks. States with laws requiring background checks on all sales have lower gun homicide rates than States that don't. Guns from States that lack background check laws often end up recovered from crime scenes in neighboring States without those tough laws.

That is why we need a uniform national requirement to end weak gun laws that contribute to trafficking.

The President visited New York City recently after two police officers were fatally shot, and he urged the need for universal background checks. He rightly said our country needs a comprehensive strategy to dramatically reduce gun violence. The Attorney General of the United States has directed U.S. attorneys to confront gun trafficking across State lines and in cities.

I strongly support the President's call for a comprehensive strategy. As part of that strategy, Congress should do what many States are currently working on to ban untraceable ghost guns, similar to the law that was signed in New York in October of last year. Congress can do this.

Congress should also pass safe storage legislation to protect kids from being harmed by loaded weapons kept unsafely in their homes. We should ban weapons of war that don't belong in our community and are regularly used to hunt innocent people. Who needs to be able to fire off 50 or 100 rounds at a time?

Congress should recognize that high-capacity magazines have no place in our communities and that their only purpose is to make it easy to cause mass casualties.

These proposals have significant support. Ninety percent of Americans, including gun owners, want universal and stronger background checks.

Would a stronger background check system prevent every instance of gun violence? No, of course not. Would ending large-capacity ammunition magazines prevent mass casualties caused by guns? No, but they will make us safer. They will make our communities safer. They will make our schools safer. They will make the workplace safer. They will make people feel safer as they attend religious services. They will make it easier for law enforcement to do their jobs safely every day.

Continued inaction on confronting gun violence will only lead to more innocent people dying from firearms. Congress must take action to get strong gun violence prevention legisla-

tion for Joaquin and the 16 others who were taken at Stoneman Douglas, for their families, and for America.

HONORING THE MEMORY OF PRIVATE ANDREW LADNER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. PALAZZO) for 5 minutes.

Mr. PALAZZO. Mr. Speaker, I rise today to honor the homecoming of World War II Private Andrew Ladner, whose remains finally came home 80 years after being killed in action.

Private Ladner was assigned to the 126th Infantry Regiment, 32nd Infantry Division. On November 30, 1942, during a blockade to prevent a Japanese assault on the island of New Guinea, he was killed during the initial wave and was reportedly buried 26 yards west of the road the unit was blockading.

After the war, his remains could not be found and eventually were declared nonrecoverable. However, between a little luck and the never-quit Army attitude and exhaustive research, they located his remains in 2016.

Now Private Ladner can be laid to rest in a way he deserves. I know his family takes comfort in his example of a life well lived and the legacy he left behind all those years ago.

Private Ladner was part of the Greatest Generation of Americans. His family can find solace in knowing his legacy will never die but lives on with every American who puts on the uniform of the United States military.

On behalf of the Fourth Congressional District of Mississippi, we honor the memory of Private Andrew Ladner, who gave his life for his family and the country he so dearly loved.

Private Ladner, may you rest in peace. God bless you, and Semper Fidelis.

MAKING HEALTHCARE MORE AFFORDABLE AND ACCESSIBLE THAN EVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Mrs. CHERFILUS-McCORMICK) for 5 minutes.

Mrs. CHERFILUS-McCORMICK. Mr. Speaker, I rise to applaud President Joe Biden's executive order to bring down the cost of health insurance and expand health coverage. The executive order represents the most significant action to strengthen the Affordable Care Act since it was signed into law.

Consistent with the administration's mission, my colleagues and I in Congress voted in favor of the Affordable Insulin Now Act, which will lower costs for hardworking families by capping the out-of-pocket costs for insulin at \$35 per month.

President Biden's executive order delivers a longstanding Democratic priority for strengthening the Affordable Care Act and fixing the so-called family glitch. Without this step, current

regulations define employer-based health insurance as affordable if the coverage is provided solely for the employee and not for family members.

For family members of an employee offered health coverage through an employer, the cost for that family coverage can sometimes be very expensive and make health insurance out of reach. The family glitch affects 5 million people and has made it impossible for many families to use the premium tax credit to purchase an affordable, high-quality marketplace plan.

Fixing the family glitch builds on several steps Democrats have taken to lower health costs and build on the Affordable Care Act, including the American Rescue Plan, which was signed into law last year. The American Rescue Plan is saving families an average of \$2,400 in annual premiums and has helped enroll 14.5 million Americans in marketplace plans.

Thanks to Democratic leadership, healthcare is more affordable and accessible than ever. Our American Rescue Plan dramatically lowered the cost of marketplace plans and helped enroll millions of Floridians into quality, affordable coverage.

As House Democrats fight to build a better America for all people, I will continue to work to lower healthcare costs and prescription drug prices for all Floridian families.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 6 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Margaret Grun Kibben, offered the following prayer:

Sovereign God, nothing in all of creation is hidden from Your sight. Your eyes, O Lord, are everywhere. You see everything from the wars that rage around the world and into the recesses of each heart. Everything is uncovered and laid bare before Your eyes that all must give account.

Call to account, then, the wicked and the good. Unspeakable atrocities have taken place throughout Ukraine. Bring to justice those who have failed to demonstrate any evidence of human decency. Bring to Your court those who have disregarded the precious life of the innocent.

Raise up the good and strengthen the noble, and give success to their efforts to shield and shelter the displaced and

defeated. Embolden the voices of those who would speak truth to power and amplify their words that Your truth would reach even the hardest of hearts.

Give wisdom to the leadership, to our own, as they balance the moral responsibility to aid those in danger with the evident risk of escalation; and to President Zelenskyy and his advisers, that they would remain courageous and inspiring in their quest for peace and security in their country.

Keep Your eyes upon us, O Lord. Conceal not our sin from Your sight, but let Your righteousness be revealed and Your justice accomplished.

In the power of Your name, we pray.
Amen.

THE JOURNAL

The SPEAKER. Pursuant to section 11(a) of House Resolution 188, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. WEBER) come forward and lead the House in the Pledge of Allegiance.

Mr. WEBER of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

SUPPORTING BIPARTISAN SUPPLY CHAIN PROVISIONS

(Mrs. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DINGELL. Madam Speaker, I rise today in strong support of the bipartisan supply chain provisions included in the House-passed America COMPETES Act.

Every day, we are hearing from our constituents about inflation and rising prices, and one critical factor contributing to these issues is continued disruptions in the domestic supply chain.

The America COMPETES supply chain subtitle establishes an office of manufacturing security and resilience within the Department of Commerce to monitor, identify, map, and mitigate supply chain vulnerabilities.

It also authorizes billions in grants and loans to support the manufacturing of critical goods, equipment, and cutting-edge technologies that are essential to our national and economic security.

The investments included in the bipartisan America COMPETES supply chain subtitle will allow us to preempt

future shocks to our supply chain, and we must be proactive in strengthening our manufacturing capacity to secure our future.

I hope that this critical subtitle remains in the bill and is retained in any final package the conference process yields.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5681. An act to authorize the reclassification of the tactical enforcement officers (commonly known as the "Shadow Wolves") in the Homeland Security Investigations tactical patrol unit operating on the lands of the Tohono O'odham Nation as special agents, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2123. An act to establish the Federal Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship, and for other purposes.

SUPPORTING SOUTH CAROLINA EXPORT SALES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to report that the total export sales from the State of South Carolina topped nearly \$30 billion last year.

Increasing their influence, State exporters reached over 195 countries, with Germany and Canada tops. Korean investments are monumental by Samsung, and I praise today the Korean delegation of Dr. Jin Park and Tae-yong Cho.

Most notably, the Palmetto State leads the Nation in export sales of tires produced by Michelin, Bridgestone, Giti Tire, Continental, and Trelleborg Wheel Systems.

South Carolina also leads in passenger motor vehicle exports, including BMW, Volvo Cars, Honda, and Mercedes-Benz Vans.

In order to further support this vital market, South Carolina ports have invested over \$2 billion in infrastructure, according to South Carolina Port Authority President Jim Newsome, soon to be succeeded by COO Barbara Melvin, backed up by Governor Henry McMaster.

In conclusion, God bless Ukraine. God save Ukraine. God bless Volodymyr Zelenskyy as he fights to maintain his freedom for all the people of the world.

SUPPORTING THE AMERICA COMPETES ACT

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, for generations, America's innovations, from electricity to automobiles, robotics to plastics, have shaped the course of history.

We prevailed because we were preeminent in our investments in science, research, and technology.

But today, America's preeminence is being challenged. Other countries have followed our lead in research, science, and technology.

As a result, more of the technology that we are relying on today is made abroad, driving up the cost at home, contributing to inflation, threatening our workers' financial security and their jobs, and eroding our Nation's competitiveness.

That is why Chairwoman EDDIE BERNICE JOHNSON and the Committee on Science, Space, and Technology, along with 13 other committees of the House, crafted a data-driven, results-oriented package to help our Nation meet and win in the 21st century.

I associate myself with the remarks of the gentlewoman from Michigan in support of the COMPETES Act. The House America COMPETES Act is precisely what is needed to ensure America's might in manufacturing and innovation while creating good-paying jobs and lowering costs for our Nation.

Our bill helps bring manufacturing back to our shores, including \$52 billion for chips, which are crucial for making cars, cell phones, and more.

Our bill will help reinvigorate America's industry, securing \$45 billion to strengthen our supply chain, reduce dependence on foreign nations, and lower costs.

Our bill invests in research and education so that we diversify our STEM workforce with apprenticeships and the rest.

And our bill will promote U.S. global leadership.

In the spirit of patriotism and unity, the House will champion these priorities when we go to conference to craft a bold, bipartisan, bicameral package to send to the President's desk.

I hope that we will have the opportunity to go to conference soon. We are waiting for the signal from the Senate.

LEAVE STRATEGIC PETROLEUM RESERVE FOR WARTIME

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, our strategic oil reserves are meant to be for emergency use, an emergency resource in time of war or other disaster.

At such an uncertain time that we have, with Eastern Europe embroiled in a big conflict, it would be wise for us to keep the reserve full.

Indeed, President Trump filled the reserve up at the time when prices were low on fuel. Now, President Biden thinks that by releasing this oil, it is going to somehow affect the price of oil

around the world and our own economy. It is not.

So far, 80 million barrels have already been released, but it hasn't driven down prices. Instead, the reserves we have in the ground that oil people can produce for us are the things that are going to change oil prices, not tapping into our reserves.

There is only going to be a few days' worth to run the country on, or bleeding it out over 180 days, 1 million barrels at a time.

Tap into our energy we have so abundantly in this country. That will affect the market for us, for our allies in Europe, and actually truly make a big difference, instead of playing this little game with our oil reserves that doesn't do anything other than look like we are doing something.

Let's get back to work on putting Americans to work and our energy dependability on us and not on others. I ask the President to change directions on this policy.

PUTIN IS DESTABILIZING THE WORLD ECONOMY AND ORDER

(Ms. HOULAHAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOULAHAN. Mr. Speaker, last week, I held an in-person townhall to hear how inflation impacts our community. Too many Pennsylvanians are making tough choices to put food on the table, gas in their tanks, and other budgetary choices.

Today, I rise to discuss why confronting Putin abroad helps address inflation issues here at home.

It is no secret that we live in a global market. We became acutely aware of that fact during the pandemic. Ukraine and Russia provide us, and the world, grain, oil, gas, and even things like fertilizer.

When we are at war in these areas or people are at war in these areas, this impacts our economy colossally. We are again seeing how connected we are, this time not from a global disease but, rather, from a diseased man.

Vladimir Putin is infected, and he is inflicting untold horrors on the people of Ukraine and simultaneously destabilizing our world economy and order.

To fully address these rising costs and inflation in part caused by this Russian war, our top priority has to be bringing a just, durable, and lasting peace to this conflict in Ukraine.

The longer the war rages on, the longer it will take for our economy to recover. That is why we must impose strong sanctions against Russia, coordinated with our allies; we must expedite weaponry to Ukraine; and we must return to prepandemic domestic oil production levels to meet our domestic needs and to help bring down global market costs.

For the people of the Sixth Congressional District of Pennsylvania, I promise to keep doing everything in

my power to make sure we can alleviate pressures that are felt at home from abroad.

RECOGNIZING CHRIS DELESANDRI

(Mr. WEBER of Texas asked and was given permission to address the House for 1 minute.)

Mr. WEBER of Texas. Mr. Speaker, I rise today to recognize and congratulate Mr. Chris Delesandri on his retirement after a dedicated 41 years of service with United Way of Galveston County Mainland, where he served as the executive director for the past 10 years.

Not only did Chris serve Galveston County during his time with United Way, but Chris has also served as the president of the Rotary Club of Texas City. He was elected to the Roll of Fame for Rotary District 5910 and earned the Rotary Youth Leadership Awards volunteer.

Chris always prioritized giving back to his community, and as such, he has earned several awards through the Chamber of Commerce, such as Citizen of the Year in 2008 and the Leslie Hayley Community Service Award in 2014.

I commend Chris for his numerous accomplishments and his dedicated service to our district and congratulate him on his retirement. I am so glad to represent him and call him a friend. He deserves a great retirement.

Have a good one, buddy.

□ 1215

DEMOCRATS CONTINUE TO DRIVE STABILITY AND GROWTH IN SMALL BUSINESSES

(Ms. PLASKETT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PLASKETT. Mr. Speaker, I thank my colleagues for all the good work that they have done to support American small businesses during the pandemic.

Democrats working with President Biden have helped businesses to keep their lights on and employees on payroll.

Biden's plan has enabled a remarkable rebound in small business activity with small business demand for labor and inventory near record high.

The share of small businesses that have created new jobs in the first quarter of this year is higher than at any point in the Trump administration.

Democrats are continuing to drive stability and growth in small businesses. H.R. 3807 is in furtherance of that. The bill provides \$13 billion to establish a Hard Hat Industry's Award Program to provide awards to small businesses across all industries and sectors that were hardest hit by the pandemic, regardless of industry or business.

My colleagues and I are proposing solutions focused on assisting small busi-

nesses, the true engine of our Nation's economy, to rebuild and help our economy be better than before.

CRISIS AT THE SOUTHERN BORDER

(Mrs. KIM of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIM of California. Mr. Speaker, I have visited our southern border three times since I have been in office, and the crisis is only getting worse.

Not only have we seen the most illegal crossings on record over the past year, but also fentanyl overdoses are the leading cause of death for Americans ages 18 to 45, and the top source of fentanyl is the U.S.-Mexico border.

The Biden administration's decision to end title 42 without a plan will only worsen this crisis.

It is past time to stop playing politics with border security. Federal law requires the Department of Homeland Security to create and implement a strategy to secure our northern border, but we currently don't have one that addresses the southern border crisis.

I introduced the Comprehensive Southern Border Strategy Act to change that and direct the Department of Homeland Security to create a strategy to secure our U.S.-Mexico border.

Our economic prosperity, national security, and public safety requires secure borders.

DEMOCRATS ARE BUILDING A BETTER AMERICA

(Mr. LIEU asked and was given permission to address the House for 1 minute.)

Mr. LIEU. Mr. Speaker, President Joe Biden has done an awesome job creating jobs. He is a jobs President.

Last year, 6.6 million jobs were created. In the last 14 months working with congressional Democrats 7.4 million jobs were created, the most in United States history.

Democrats are building a better America for the future and for the people.

What are Republicans doing? I don't know.

Last week, Republican Congressman MADISON CAWTHORN bragged about being invited to cocaine-fueled sex orgies by senior Republicans. Don't believe me? Search for "MADISON CAWTHORN Republican Caucus" on the internet.

TITLE 42 MUST BE REINSTATED

(Mr. SMITH of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Missouri. Mr. Speaker, the administration is removing healthcare workers, Federal employees, and members of the Armed Forces

from their jobs if they refuse to get vaccinated. Meanwhile, over 160,000 unvaccinated and untested illegal aliens crossed our border last February, the most on record in two decades.

Now, Joe Biden and his Washington Democrat allies want to make a bad problem worse. Last week, President Biden eliminated President Trump's title 42, which allows DHS to deport illegal aliens if they pose a public health danger to our citizens. In other words, according to Washington Democrats, they believe American healthcare workers, Federal employees, and servicemembers deserve harsher treatment than those crossing our border illegally.

This is unacceptable. Title 42 must be reinstated immediately and kept in place until this administration comes up with a plan to deal with the border crisis created by the administration's policies.

CELEBRATING MATHEMATICS AND STATISTICS AWARENESS MONTH

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNERNEY. Mr. Speaker, I rise today to celebrate the mathematical and statistical sciences.

Fundamental research in mathematics and statistics touches all of our Nation's scientific and technological priorities and provides tools to address societal changes.

As recent examples, mathematical scientists model the spread of pandemics and help assess the effectiveness of vaccine programs.

They produce research needed for artificial intelligence and help us understand and predict dangerous weather patterns.

And their theoretical work fortifies imaging technologies used to detect diseases, including cancer.

We are at a critical time for building and ensuring a stable and more diverse STEM workforce in the future.

Mathematics and statistics support all of the STEM disciplines and are critical to our educational system.

Every day, mathematicians and statisticians enable advances across all science and technology, making our Nation more secure and globally competitive, and training the next generation of researchers and educators.

Please join me and my fellow mathematicians on the Joint Policy Board for Mathematics in celebrating April as Mathematics and Statistics Awareness Month.

ECONOMIC PROSPERITY

(Mrs. CHERFILUS-McCORMICK asked and was given permission to address the House for 1 minute.)

Mrs. CHERFILUS-McCORMICK. Mr. Speaker, I rise to shed light on an imminent threat to our country's recent economic prosperity.

The Biden administration has created jobs and increased our Nation's GDP at unprecedented rates.

From day one, the President's economic agenda has been about generating more growth and more innovation by giving America's middle class more opportunities and more financial security.

However, oil companies are using the war between Russia and Ukraine as a pretext to engage in unlawful price gouging to rob American people of their hard-earned dollars.

I applaud my colleagues for taking the necessary steps to address this concern by facilitating oversight hearings to maintain the integrity of the oil industry and hold these companies accountable for their unconscionable practices.

Hopefully, these testimonies and hearings will lead to changes, and we can truly enjoy all the success of our current administration and keep dollars in the pockets of the American people.

STANDING WITH BURMA

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise in support of H.R. 5497, the BURMA Act, which would provide badly needed resources to civil society actors in Burma and impose sanctions on the Burmese military for upending years of progress, democracy, and human rights for a self-serving and brutal agenda of repression and violence.

Having visited Burma, I have seen the strength of its people as they have struggled to create and sustain democracy.

Now, under the authoritarian Tatmadaw, the divisions, prejudices, and violence have been exacerbated and progress has been reversed.

The Rohingya and other vulnerable populations continue to be displaced and assaulted. Journalists are purposely targeted for harassment and violence.

The political opposition has faced unspeakable violence and imprisonment.

We must commit to holding those responsible for the collapse of democracy and human rights to account, and we must support those that are working in dangerous circumstances to reestablish the rule of law.

As we continue to work against global authoritarianism and for democracy and human rights around the world, let us stand shoulder to shoulder with the people of Burma and their struggle for freedom.

RECOGNIZING CAMDEN CENTRAL SCHOOL DISTRICT TRACK AND FIELD TEAM

(Ms. TENNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TENNEY. Mr. Speaker, I rise today to recognize seven amazing students from the Camden Central School District Track and Field team, who recently traveled to Mayfield, Kentucky, during their February break to help residents after a devastating tornado ripped through the State 2 months ago.

Led by Coach Phil Lucason, seven members of the team volunteered their time: Lizzy Lucason, Will Carver, Ryan Beaulac, Joe Doran, Nate Hurd, Ivy Murphy, and Dillon Melchoire. Incidentally, Dillon made a special stop at the University of the Cumberlands in Kentucky on the way back to sign a letter of intent to run track for them next year. But these students worked in a large distribution center helping hundreds of residents per day, who were seeking food and other household supplies.

The students also spent time working alongside contractors who were rebuilding the many buildings devastated by the storm.

Their tireless efforts on behalf of those whom they had never met is a beautiful example of selfless service.

The 22nd District is so incredibly honored to have these excellent students representing us and showing just how willing our community is to help people in their greatest time of need. I thank them for their tremendous service to our community.

REFUSE TO ACCEPT THE STATUS QUO

(Mr. VICENTE GONZALEZ of Texas asked and was given permission to address the House for 1 minute.)

Mr. VICENTE GONZALEZ of Texas. Mr. Speaker, I rise today to celebrate House Democrats' efforts to pass the Affordable Insulin Now Act, which would cap the cost of insulin at \$35 a month.

This bill will be a game changer for the Rio Grande Valley in south Texas and the country as a whole. We have the highest rates of diabetes in the country, and over 25 percent of the population is uninsured.

The stark reality is that the skyrocketing cost of insulin is crushing south Texans and people across our country.

One in four Americans who rely on insulin have been forced to ration or skip a dose or choose between buying groceries and filling prescription drugs.

Pharmaceutical companies manufacture insulin for less than \$10 yet sell it to the American people for more than 10 times that.

I refuse to accept the status quo.

This long-overdue legislation is an important step to lower healthcare costs for families and hold Big Pharma accountable.

I urge my Senate colleagues to pass the Affordable Insulin Now Act and send it to the President's desk to sign today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MORELLE). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

BURMA UNIFIED THROUGH RIGOROUS MILITARY ACCOUNTABILITY ACT OF 2022

Mr. MEEKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5497) to authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Burma Unified through Rigorous Military Accountability Act of 2022” or the “BURMA Act of 2022”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—MATTERS RELATING TO THE CONFLICT IN BURMA

Sec. 101. Findings.

Sec. 102. Statement of policy.

TITLE II—SANCTIONS, IMPORT RESTRICTIONS, AND POLICY COORDINATION WITH RESPECT TO BURMA

Sec. 201. Definitions.

Sec. 202. Imposition of sanctions with respect to human rights abuses and perpetration of a coup in Burma.

Sec. 203. Certification requirement for removal of certain persons from the list of specially designated nationals and blocked persons.

Sec. 204. Sanctions and policy coordination for Burma.

Sec. 205. Support for greater United Nations action with respect to Burma.

Sec. 206. Sunset.

TITLE III—HUMANITARIAN ASSISTANCE AND CIVIL SOCIETY SUPPORT WITH RESPECT TO BURMA

Sec. 301. Support to civil society and independent media.

Sec. 302. Humanitarian assistance and reconciliation.

Sec. 303. Authorization of assistance for Burma political prisoners.

TITLE IV—ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES

Sec. 401. Report on accountability for war crimes, crimes against humanity, and genocide in Burma.

Sec. 402. Authorization to provide technical assistance for efforts against human rights abuses.

TITLE V—STATUTORY PAY-AS-YOU-GO ACT

Sec. 501. Determination of budgetary effects.

SEC. 2. DEFINITIONS.

In this Act:

(1) **BURMESE MILITARY.**—The term “Burmese military”—

(A) means the Armed Forces of Burma, including the army, navy, and air force; and

(B) includes security services under the control of the Armed Forces of Burma such as the police and border guards.

(2) **CRIMES AGAINST HUMANITY.**—The term “crimes against humanity” includes the following, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(A) Murder.

(B) Forced transfer of population.

(C) Torture.

(D) Extermination.

(E) Enslavement.

(F) Rape, sexual slavery, or any other form of sexual violence of comparable severity.

(G) Enforced disappearance of persons.

(H) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law.

(I) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law.

(3) **EXECUTIVE ORDER 14014.**—The term “Executive Order 14014” means Executive Order 14014 (86 Fed. Reg. 9429; relating to blocking property with respect to the situation in Burma).

(4) **GENOCIDE.**—The term “genocide” means any offense described in section 1091(a) of title 18, United States Code.

(5) **TRANSITIONAL JUSTICE.**—The term “transitional justice” means the range of judicial, nonjudicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes, or employed by the international community through international justice mechanisms, to redress past or ongoing atrocities and to promote long-term, sustainable peace.

(6) **WAR CRIME.**—The term “war crime” has the meaning given the term in section 2441(c) of title 18, United States Code.

TITLE I—MATTERS RELATING TO THE CONFLICT IN BURMA

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) Since 1988, the United States policy of principled engagement has fostered positive democratic reforms in Burma, with elections in 2010, 2015, and 2020, helping to bring about the partial transition to civilian rule and with the latter 2 elections resulting in resounding electoral victories for the National League for Democracy.

(2) That democratic transition remained incomplete, with the military retaining significant power and independence from civilian control following the 2015 elections, including through control of 25 percent of parliamentary seats, a de facto veto over constitutional reform, authority over multiple government ministries, and the ability to operate with impunity and no civilian oversight.

(3) Despite some improvements with respect for human rights and fundamental freedoms beginning in 2010, and the establishment of a quasi-civilian government following credible elections in 2015, Burma’s military leaders have, since 2016, overseen an increase in restrictions to freedom of expression (including for members of the press), freedom of peaceful assembly, freedom of association, and freedom of religion or belief.

(4) On August 25, 2017, Burmese military and security forces launched a genocidal

military campaign against Rohingya, resulting in a mass exodus of some 750,000 Rohingya from Burma’s Rakhine State into Bangladesh, where they remain. The military has since taken no steps to improve conditions for Rohingya still in Rakhine State, who remain at high risk of genocide and other atrocities, or to create conditions conducive to the voluntary return of Rohingya refugees and other internally displaced persons (IDPs).

(5) The Burmese military has also engaged in renewed violence with other ethnic minority groups across the country. The military has continued to commit atrocities in Chin, Kachin, Kayah, and Shan. Fighting in northern Burma has forced more than 100,000 people from their homes and into camps for internally displaced persons. The Burmese military continues to heavily proscribe humanitarian and media access to conflict-affected populations across the country.

(6) With more than \$470,000,000 in humanitarian assistance in response to the crisis in fiscal year 2021, the United States is the largest humanitarian donor to populations in need as a result of conflicts in Burma. In May 2021, the United States announced nearly \$155,000,000 in additional humanitarian assistance to meet the urgent needs of Rohingya refugees and host communities in Bangladesh and people affected by ongoing violence in Burma’s Rakhine, Kachin, Shan, and Chin states. In September 2021, the United States provided nearly \$180,000,000 in additional critical humanitarian assistance to the people of Burma, bringing the total fiscal year 2021 to more than \$434,000,000.

(7) Both government- and military-initiated investigations into human rights abuses in Burma involving violence between ethnic minorities and Burmese security forces have failed to yield credible results or hold perpetrators accountable.

(8) In its report dated September 17, 2018, the United Nations Independent International Fact-Finding Mission on Myanmar concluded, on reasonable grounds, that the factors allowing inference of “genocidal intent” are present with respect to the attacks against Rohingya in Rakhine State, and acts by Burmese security forces against Rohingya in Rakhine State and other ethnic minorities in Kachin and Shan States amount to “crimes against humanity” and “war crimes”. The Independent International Fact-Finding Mission on Myanmar established by the United Nations Human Rights Council recommended that the United Nations Security Council “should ensure accountability for crimes under international law committed in Myanmar, preferably by referring the situation to the International Criminal Court or alternatively by creating an ad hoc international criminal tribunal”. The Mission also recommended the imposition of targeted economic sanctions, including an arms embargo on Burma.

(9) On December 13, 2018, the United States House of Representatives passed House Resolution 1091 (115th Congress), which expressed the sense of the House that “the atrocities committed against the Rohingya by the Burmese military and security forces since August 2017 constitute crimes against humanity and genocide” and called upon the Secretary of State to review the available evidence and make a similar determination.

(10) In a subsequent report dated August 5, 2019, the United Nations Independent International Fact-Finding Mission on Myanmar found that the Burmese military’s economic interests “enable its conduct” and that it benefits from and supports extractive industries operating in conflict-affected areas in northern Burma, including natural resources, particularly oil and gas, minerals

and gems and argued that “through controlling its own business empire, the Tatmadaw can evade the accountability and oversight that normally arise from civilian oversight of military budgets”. The report called for the United Nations and individual governments to place targeted sanctions on all senior officials in the Burmese military as well as their economic interests, especially Myanma Economic Holdings Limited and Myanmar Economic Corporation.

(11) On February 1, 2021, the Burmese military conducted a coup d'état, declaring a year-long state of emergency and detaining State Counsellor Aung San Suu Kyi, President Win Myint, and dozens of other government officials and elected members of parliament, thus derailing Burma's transition to democracy and disregarding the will of the people of Burma as expressed in the November 2020 general elections, which were determined to be credible by international and national observers.

(12) Following the coup, some ousted members of parliament established the Committee Representing the Pyidaungsu Hluttaw, which subsequently released the Federal Democracy Charter in March 2021 and established the National Unity Government in April 2021. In June 2021, the National Unity Government included ethnic minorities and women among its cabinet and released a policy paper outlining pledges to Rohingya and calling for “justice and reparations” for the community.

(13) Since the coup on February 1, 2021, the Burmese military has—

(A) used lethal force on peaceful protestors on multiple occasions, killing more than 1,500 people, including more than 100 children;

(B) detained more than 10,000 peaceful protestors, participants in the Civil Disobedience Movement, labor leaders, government officials and elected members of parliament, members of the media, and others, according to the Assistance Association for Political Prisoners;

(C) issued laws and directives used to further impede fundamental freedoms, including freedom of expression (including for members of the press), freedom of peaceful assembly, and freedom of association; and

(D) imposed restrictions on the internet and telecommunications.

(14) According to the UNHCR, more than 440,000 people have been internally displaced since the coup, while an estimated 39,000 have sought refuge in neighboring countries. Nevertheless, the Burmese military continues to block humanitarian assistance to populations in need. According to the World Health Organization, the military has carried out more than 286 attacks on health care entities since the coup and killed at least 30 health workers. Dozens more have been arbitrarily detained, and hundreds have warrants out for their arrest. The military continued such attacks even as they inhibited efforts to combat a devastating third wave of COVID-19. The brutality of the Burmese military was on full display on March 27, 2021, Armed Forces Day, when, after threatening on state television to shoot protesters in the head, security forces killed more than 150 people.

(15) The coup represents a continuation of a long pattern of violent and anti-democratic behavior by the military that stretches back decades, with the military having previously taken over Burma in coups d'état in 1962 and 1988, and having ignored the results of the 1990 elections, and a long history of violently repressing protest movements, including killing and imprisoning thousands of peaceful protestors during pro-democracy demonstrations in 1988 and 2007.

(16) On February 11, 2021, President Biden issued Executive Order 14014 in response to the coup d'état, authorizing sanctions against the Burmese military, its economic interests, and other perpetrators of the coup.

(17) Since the issuance of Executive Order 14014, President Biden has taken several steps to impose costs on the Burmese military and its leadership, including by designating or otherwise imposing targeted sanctions with respect to—

(A) multiple high-ranking individuals and their family members, including the Commander-in-Chief of the Burmese military, Min Aung Hlaing, Burma's Chief of Police, Than Hlaing, and the Bureau of Special Operations commander, Lieutenant General Aung Soe, and over 35 other individuals;

(B) state-owned and military controlled companies, including Myanma Economic Holdings Public Company, Ltd., Myanmar Economic Corporation, Ltd., Myanmar Economic Holdings Ltd., Myanmar Ruby Enterprise, Myanmar Imperial Jade Co., Ltd., and Myanma Gems Enterprise; and

(C) other corporate entities, Burmese military units, and Burmese military entities, including the military regime's State Administrative Council.

(18) The United States has also implemented new restrictions on exports and reexports to Burma pursuant to Executive Order 14014; and

(19) On April 24, 2021, the Association of Southeast Asian Nations (ASEAN) agreed to a five-point consensus which called for an “immediate cessation of violence”, “constructive dialogue among all parties”, the appointment of an ASEAN special envoy, the provision of humanitarian assistance through ASEAN's AHA Centre, and a visit by the ASEAN special envoy to Burma. Except for the appointment of the Special Envoy in August 2021, the other elements of the ASEAN consensus remain unimplemented due to obstruction by the Burmese military.

(20) On March 21, 2022, Secretary of State Antony Blinken announced that the United States had concluded that “members of the Burmese military committed genocide and crimes against humanity against Rohingya”.

SEC. 102. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support genuine democracy, peace, and national reconciliation in Burma;

(2) to pursue a strategy of calibrated engagement, which is essential to support the establishment of a peaceful, prosperous, and democratic Burma that includes respect for the human rights of all individuals regardless of ethnicity and religion;

(3) to seek the restoration to power of a civilian government that reflects the will of the people of Burma;

(4) to support constitutional reforms that ensure civilian governance and oversight over the military;

(5) to assist in the establishment of a fully democratic, civilian-led, inclusive, and representative political system that includes free, fair, credible, and democratic elections in which all people of Burma, including all ethnic and religious minorities, can participate in the political process at all levels including the right to vote and to run for elected office;

(6) to support legal reforms that ensure protection for the civil and political rights of all individuals in Burma, including reforms to laws that criminalize the exercise of human rights and fundamental freedoms, and strengthening respect for and protection of human rights, including freedom of religion or belief;

(7) to seek the unconditional release of all prisoners of conscience and political prisoners in Burma;

(8) to strengthen Burma's civilian governmental institutions, including support for greater transparency and accountability once the military is no longer in power;

(9) to empower and resource local communities, civil society organizations, and independent media;

(10) to promote national reconciliation and the conclusion and credible implementation of a nationwide cease-fire agreement, followed by a peace process that is inclusive of ethnic Rohingya, Shan, Rakhine, Kachin, Chin, Karenni, and Karen, and other ethnic groups and leads to the development of a political system that effectively addresses natural resource governance, revenue-sharing, land rights, and constitutional change enabling inclusive peace;

(11) to ensure the protection and non-refoulement of refugees fleeing Burma to neighboring countries and prioritize efforts to create a conducive environment and meaningfully address long-standing structural challenges that undermine the safety and rights of Rohingya in Rakhine State as well as members of other ethnic and religious minorities in Burma, including by promoting the creation of conditions for the dignified, safe, sustainable, and voluntary return of refugees in Bangladesh, Thailand, and in the surrounding region when conditions allow;

(12) to support an immediate end to restrictions that hinder the freedom of movement of members of ethnic minorities throughout the country, including Rohingya, and an end to any and all policies and practices designed to forcibly segregate Rohingya, and providing humanitarian support for all internally displaced persons in Burma;

(13) to support unfettered access for humanitarian actors, media, and human rights mechanisms, including those established by the United Nations Human Rights Council and the United Nations General Assembly, to all relevant areas of Burma, including Rakhine, Chin, Kachin, Shan, and Kayah States, as well as Sagaing and Magway regions;

(14) to call for accountability through independent, credible investigations and prosecutions for any potential genocide, war crimes, and crimes against humanity, including those involving sexual and gender-based violence and violence against children, perpetrated against ethnic or religious minorities, including Rohingya, by members of the military and security forces of Burma, and other armed groups;

(15) to encourage reforms toward the military, security, and police forces operating under civilian control and being held accountable in civilian courts for human rights abuses, corruption, and other abuses of power;

(16) to promote broad-based, inclusive economic development and fostering healthy and resilient communities;

(17) to combat corruption and illegal economic activity, including that which involves the military and its close allies; and

(18) to promote responsible international and regional engagement;

(19) to support and advance the strategy of calibrated engagement, impose targeted sanctions with respect to the Burmese military's economic interests and major sources of income for the Burmese military, including with respect to—

(A) officials in Burma, including the Commander in Chief of the Armed Forces of Burma, Min Aung Hlaing, and all individuals described in paragraphs (1), (2), and (3) of section 202(a), under the authorities provided by title II, Executive Order 14014, and the Global Magnitsky Human Rights Accountability

Act (subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note);

(B) enterprises owned or controlled by the Burmese military, including the Myanmar Economic Corporation, Union of Myanmar Economic Holding, Ltd., and all other entities described in section 202(a)(4), under the authorities provided by title II, the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61; 50 U.S.C. 1701 note), the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110-286; 50 U.S.C. 1701 note), other relevant statutory authorities, and Executive Order 14014; and

(C) state-owned economic enterprises if—

(i) there is a substantial risk of the Burmese military accessing the accounts of such an enterprise; and

(ii) the imposition of sanctions would not cause disproportionate harm to the people of Burma, the restoration of a civilian government in Burma, or the national interest of the United States; and

(20) to ensure that any sanctions imposed with respect to entities or individuals are carefully targeted to maximize impact on the military and security forces of Burma and its economic interests while minimizing impact on the people of Burma, recognizing the calls from the people of Burma for the United States to take action against the sources of income for the military and security forces of Burma.

TITLE II—SANCTIONS, IMPORT RESTRICTIONS, AND POLICY COORDINATION WITH RESPECT TO BURMA

SEC. 201. DEFINITIONS.

In this subtitle:

(1) **ADMITTED; ALIEN.**—The terms “admitted” and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(3) **CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.**—The terms “correspondent account” and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(4) **FOREIGN FINANCIAL INSTITUTION.**—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury by regulation.

(5) **FOREIGN PERSON.**—The term “foreign person” means a person that is not a United States person.

(6) **KNOWINGLY.**—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(7) **PERSON.**—The term “person” means an individual or entity.

(8) **SUPPORT.**—The term “support”, with respect to the Burmese military, means to knowingly have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of the Burmese military.

(9) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted to the United States for permanent residence;

(B) an entity organized under the laws of the United States or any jurisdiction within

the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES AND PERPETRATION OF A COUP IN BURMA.

(a) **MANDATORY SANCTIONS.**—Not later than 30 days after the enactment of this Act, the President shall impose the sanctions described in subsection (d) with respect to any foreign person that the President determines—

(1) knowingly operates in the defense sector of the Burmese economy;

(2) is responsible for, complicit in, or has directly and knowingly engaged in—

(A) actions or policies that undermine democratic processes or institutions in Burma;

(B) actions or policies that threaten the peace, security, or stability of Burma;

(C) actions or policies that prohibit, limit, or penalize the exercise of freedom of expression or assembly by people in Burma, or that limit access to print, online, or broadcast media in Burma; or

(D) the arbitrary detention or torture of any person in Burma or other serious human rights abuse in Burma;

(3) is a senior leader of—

(A) the Burmese military or security forces of Burma, or any successor entity to any of such forces;

(B) the State Administration Council, the military-appointed cabinet at the level of Deputy Minister or higher, or a military-appointed minister of a Burmese state or region; or

(C) an entity that has, or whose members have, engaged in any activity described in paragraph (2);

(4) knowingly operates—

(A) any entity that is a state-owned economic enterprise under Burmese law (other than the entity specified in subsection (c)) that benefits the Burmese military, including the Myanmar Gems Enterprise; or

(B) any entity controlled in whole or in part by an entity described in subparagraph (A), or a successor to such an entity, that benefits the Burmese military;

(5) knowingly and materially violates, attempts to violate, conspires to violate, or has caused or attempted to cause a violation of any license, order, regulation, or prohibition contained in or issued pursuant to Executive Order 14014 or this Act;

(6) to be an adult family member of any person described in any of paragraphs (1) through (5);

(7) knowingly facilitates a significant transaction or transactions for or on behalf of a person described, or a person that has engaged in the activity described, as the case may be, in any of paragraphs (1) through (6);

(8) to be owned or controlled by, or to have acted for or on behalf of, directly or indirectly, a person described, or a person that has engaged in the activity described, as the case may be, in any of paragraphs (1) through (6); or

(9) to have knowingly and materially assisted, sponsored, or provided financial, material, or technological support for a person described, or a person that has engaged in the activity described, as the case may be, in any of paragraphs (1) through (6).

(b) **ADDITIONAL MEASURE RELATING TO FACILITATION OF TRANSACTIONS.**—The Secretary of the Treasury shall, in consultation with the Secretary of State, prohibit or impose strict conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by a foreign financial institution that the President determines has, on or after the date of the enactment of this Act, knowingly conducted

or facilitated a significant transaction or transactions on behalf of a foreign person described in subsection (a).

(c) **DISCRETIONARY SANCTIONS.**—Beginning on the date that is 60 days after the date of the enactment of this Act, the President may impose the sanctions described in subsection (d) with respect to the Myanmar Oil and Gas Enterprise if imposing such sanctions would—

(1) reduce the ability of the Burmese military to engage in the activities described in subparagraphs (A) through (D) of subsection (a)(2);

(2) bring benefits to the people of Burma that exceed the potential negative impacts of the sanctions on the humanitarian and economic outlook of the people of Burma; and

(3) be in the national interest of the United States.

(d) **SANCTIONS DESCRIBED.**—The sanctions that may be imposed with respect to a foreign person described in subsection (a) or (c) are the following:

(1) **PROPERTY BLOCKING.**—Notwithstanding the requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701), the President may exercise of all powers granted to the President by that Act to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) **FOREIGN EXCHANGE.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the foreign person has any interest.

(3) **VISAS, ADMISSION, OR PAROLE.**—

(A) **IN GENERAL.**—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, is described in subsection (a) is—

(i) inadmissible to the United States;

(ii) ineligible for a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) **CURRENT VISAS REVOKED.**—

(i) **IN GENERAL.**—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an alien described in clause (i) regardless of when the visa or other entry documentation is issued.

(ii) **EFFECT OF REVOCATION.**—A revocation under subclause (i)—

(I) shall take effect immediately; and

(II) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(e) **EXCEPTIONS.**—

(1) **EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.**—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) **EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.**—Sanctions under subsection (d)(3) shall not apply with respect to the admission of an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed

at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions under this section shall not include the authority or requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term “good” means any article, natural or man-made substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(4) EXCEPTION RELATING TO THE PROVISION OF HUMANITARIAN ASSISTANCE.—Sanctions under this section may not be imposed with respect to transactions or the facilitation of transactions for—

(A) the sale of agricultural commodities, food, medicine, or medical devices to Burma;

(B) the provision of humanitarian assistance to the people of Burma;

(C) financial transactions relating to humanitarian assistance or for humanitarian purposes in Burma; or

(D) transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes in Burma.

(f) WAIVER.—

(1) IN GENERAL.—The President may, on a case-by-case basis and for periods not to exceed 180 days each, waive the application of sanctions or restrictions imposed with respect to a foreign person under this section if the President certifies to the appropriate congressional committees not later than 15 days before such waiver is to take effect that the waiver is vital to the national security interests of the United States.

(g) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated under section 403(b) to carry out paragraph (1)(A) to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(h) REPORT.—Not later than 60 days after the date of the enactment of this Act and annually thereafter for 8 years, the Secretary of the Treasury, in consultation with the Secretary of State and the heads of other United States Government agencies, as appropriate, shall submit to the appropriate congressional committees a report that—

(1) sets forth the plan of the Department of the Treasury for ensuring that property blocked pursuant to subsection (a) or Executive Order 14014 remains blocked;

(2) describes the primary sources of income to which the Burmese military has access and that the United States has been unable to reach using sanctions authorities;

(3) makes recommendations for how the sources of income described in paragraph (2) can be reduced or blocked;

(4) evaluates the implications of imposing sanctions on the Burmese-government owned Myanmar Oil and Gas Enterprise, including a determination with respect to the extent to which sanctions on Myanmar Oil and Gas Enterprise would advance the interests of the United States in Burma; and

(5) assesses the impact of the sanctions imposed pursuant to the authorities under this Act on the Burmese people and the Burmese military.

SEC. 203. CERTIFICATION REQUIREMENT FOR REMOVAL OF CERTAIN PERSONS FROM THE LIST OF SPECIALLY DESIGNATED NATIONALS AND BLOCKED PERSONS.

(a) IN GENERAL.—On or after the date of the enactment of this Act, the President may not remove a person described in subsection (b) from the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly referred to as the “SDN list”) until the President submits to the appropriate congressional committees a certification described in subsection (c) with respect to the person.

(b) PERSONS DESCRIBED.—A person described in this subsection is a foreign person included in the SDN list for violations of part 525 of title 31, Code of Federal Regulations, or any other regulations imposing sanctions on or related to Burma.

(c) CERTIFICATION DESCRIBED.—A certification described in this subsection, with respect to a person described in subsection (b), is a certification that the person has not knowingly assisted in, sponsored, or provided financial, material, or technological support for, or financial or other services to or in support of—

(1) terrorism or a terrorist organization;

(2) a significant foreign narcotics trafficker (as defined in section 808 of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1907));

(3) a significant transnational criminal organization under Executive Order 13581 (50 U.S.C. note; relating to blocking property of transnational criminal organizations); or

(4) any other person on the SDN list.

(d) FORM.—A certification described in subsection (c) shall be submitted in unclassified form but may include a classified annex.

SEC. 204. SANCTIONS AND POLICY COORDINATION FOR BURMA.

(a) IN GENERAL.—The Secretary of State may designate an official of the Department of State to serve as the United States Special Coordinator for Burmese Democracy (in this section referred to as the “Special Coordinator”).

(b) CENTRAL OBJECTIVE.—The Special Coordinator should develop a comprehensive strategy for the implementation of the full range of United States diplomatic capabilities, including the provisions of this Act, to promote human rights and the restoration of civilian government in Burma.

(c) DUTIES AND RESPONSIBILITIES.—The Special Coordinator should, as appropriate, assist in—

(1) coordinating the sanctions policies of the United States under section 202 with relevant bureaus and offices within the Department of State, other relevant United States Government agencies, and international financial institutions;

(2) conducting relevant research and vetting of entities and individuals that may be subject to sanctions under section 202 and coordinate with other United States Government agencies and international financial intelligence units to assist in efforts to enforce anti-money laundering and anti-corruption laws and regulations;

(3) promoting a comprehensive international effort to impose and enforce multilateral sanctions with respect to Burma;

(4) coordinating with and supporting inter-agency United States Government efforts, including efforts of the United States Ambassador to Burma, the United States Ambassador to ASEAN, and the United States

Permanent Representative to the United Nations, relating to—

(A) identifying opportunities to coordinate with and exert pressure on the governments of the People's Republic of China and the Russian Federation to support multilateral action against the Burmese military;

(B) working with like-minded partners to impose a coordinated arms embargo on the Burmese military and targeted sanctions on the economic interests of the Burmese military, including through the introduction and adoption of a United Nations Security Council resolution;

(C) engaging in direct dialogue with Burmese civil society, democracy advocates, ethnic minority representative groups, and organizations or groups representing the protest movement and the officials elected in 2020, such as the Committee Representing the Pyidaungsu Hluttaw, the National Unity Government, the National Unity Consultative Council, and their designated representatives;

(D) encouraging the National Unity Government to incorporate accountability mechanisms in relation to the atrocities against Rohingya and other ethnic groups, to take further steps to make its leadership and membership ethnically diverse, and to incorporate measures to enhance ethnic reconciliation and national unity into its policy agenda;

(E) assisting efforts by the relevant United Nations Special Envoys and Special Rapporteurs to secure the release of all political prisoners in Burma, promote respect for human rights, and encourage dialogue; and

(F) supporting nongovernmental organizations operating in Burma and neighboring countries working to restore civilian democratic rule to Burma and to address the urgent humanitarian needs of the people of Burma; and

(5) providing timely input for reporting on the impacts of the implementation of section 202 on the Burmese military and the people of Burma.

(d) DEADLINE.—If the Secretary of State has not designated the Special Coordinator by the date that is 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report detailing the reasons for not doing so.

SEC. 205. SUPPORT FOR GREATER UNITED NATIONS ACTION WITH RESPECT TO BURMA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United Nations Security Council has not taken adequate steps to condemn the February 1, 2021, coup in Burma, pressure the Burmese military to cease its violence against civilians, or secure the release of those unjustly detained; and

(2) countries, such as the People's Republic of China and the Russian Federation, that are directly or indirectly shielding the Burmese military from international scrutiny and action, should be obliged to endure the reputational damage of doing so by taking public votes on resolutions related to Burma that apply greater pressure on the Burmese military to restore Burma to its democratic path.

(3) The United Nations Secretariat and the United Nations Security Council should take concrete steps to address the coup and ongoing crisis in Burma consistent with the UN General Assembly resolution 75/287, “The situation in Myanmar,” which was adopted on June 18, 2021.

(b) **SUPPORT FOR GREATER ACTION.**—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to spur greater action by the United Nations and the United Nations Security Council with respect to Burma by—

(1) pushing the United Nations Security Council to consider a resolution condemning the February 1, 2021, coup and calling on the Burmese military to cease its violence against the people of Burma and release without preconditions the journalists, pro-democracy activists, and political officials that it has unjustly detained;

(2) pushing the United Nations Security Council to consider a resolution that immediately imposes a global arms embargo against Burma to ensure that the Burmese military is not able to obtain weapons and munitions from other nations to further harm, murder, and oppress the people of Burma;

(3) pushing the United Nations and other United Nations authorities to cut off assistance to the Government of Burma while providing humanitarian assistance directly to the people of Burma through UN bodies and civil society organizations, particularly such organizations working with ethnic minorities that have been adversely affected by the coup and the Burmese military's violent crackdown;

(4) objecting to the appointment of representatives to the United Nations and United Nations bodies such as the Human Rights Council that are sanctioned by the Burmese military;

(5) working to ensure the Burmese military is not recognized as the legitimate government of Burma in any United Nations body; and

(6) spurring the United Nations Security Council to consider multilateral sanctions against the Burmese military for its atrocities against Rohingya and individuals of other ethnic and religious minorities, its coup, and the crimes against humanity it has and continues to commit in the coup's aftermath.

SEC. 206. SUNSET.

(a) **IN GENERAL.**—The authority to impose sanctions and the sanctions imposed under this title shall terminate on the date that is 8 years after the date of the enactment of this Act.

(b) **CERTIFICATION FOR EARLY SUNSET OF SANCTIONS.**—Sanctions imposed under this subtitle may be removed before the date specified in subsection (a), if the President submits to the appropriate congressional committees a certification that—

(1) the Burmese military has released all political prisoners taken into custody on or after February 1, 2021, or is providing legal recourse to those that remain in custody;

(2) the elected government has been reinstated or new free and fair elections have been held;

(3) all legal charges against those winning election in November 2020 are dropped; and

(4) the 2008 constitution of Burma has been amended or replaced to place the Burmese military under civilian oversight and ensure that the Burmese military no longer automatically receives 25 percent of seats in Burma's state, regional, and national Hluttaws.

TITLE III—HUMANITARIAN ASSISTANCE AND CIVIL SOCIETY SUPPORT WITH RESPECT TO BURMA

SEC. 301. SUPPORT TO CIVIL SOCIETY AND INDEPENDENT MEDIA.

(a) **AUTHORIZATION TO PROVIDE SUPPORT.**—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide support to civil society in Burma, Ban-

gladesh, Thailand, and the surrounding region, including by—

(1) ensuring the safety of democracy activists, civil society leaders, independent media, participants in the Civil Disobedience Movement, and government defectors exercising their fundamental rights by—

(A) supporting safe houses for those under threat of arbitrary arrest or detention;

(B) providing access to secure channels for communication;

(C) assisting individuals forced to flee from Burma and take shelter in neighboring countries, including in ensuring protection assistance and non-refoulement; and

(D) providing funding to organizations that equip activists, civil society organizations, and independent media with consistent, long-term technical support on physical and digital security in local languages;

(2) supporting democracy activists in their efforts to promote freedom, democracy, and human rights in Burma, by—

(A) providing aid and training to democracy activists in Burma;

(B) providing aid to individuals and groups conducting democracy programming outside of Burma targeted at a peaceful transition to constitutional democracy inside Burma;

(C) providing aid and assistance to independent media outlets and journalists and groups working to protect internet freedom and maintain independent media;

(D) expanding radio and television broadcasting into Burma; and

(E) providing financial support to civil society organizations and nongovernmental organizations led by members of ethnic and religious minority groups within Burma and its cross-border regions;

(3) assisting ethnic minority groups and civil society in Burma to further prospects for justice, reconciliation, and sustainable peace; and

(4) promoting ethnic minority inclusion and participation in political processes in Burma.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$50,000,000 to carry out the provisions of this section for each of fiscal years 2023 through 2027.

SEC. 302. HUMANITARIAN ASSISTANCE AND RECONCILIATION.

(a) **AUTHORIZATION TO PROVIDE HUMANITARIAN ASSISTANCE.**—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide humanitarian assistance and reconciliation activities for ethnic groups and civil society organizations in Burma, Bangladesh, Thailand, and the surrounding region, including—

(1) assistance for victims of violence by the Burmese military, including Rohingya and individuals from other ethnic minorities displaced or otherwise affected by conflict, in Burma, Bangladesh, Thailand, and the surrounding region;

(2) support for voluntary resettlement or repatriation of displaced individuals in Burma, upon the conclusion of genuine agreements developed and negotiated with the involvement and consultation of the displaced individuals and if resettlement or repatriation is safe, voluntary, and dignified;

(3) support for the promotion of ethnic and religious tolerance, improving social cohesion, combating gender-based violence, increasing the engagement of women in peacebuilding, and mitigating human rights violations and abuses against children;

(4) support for—

(A) primary, secondary, and tertiary education for displaced children living in areas of Burma affected by conflict; and

(B) refugee camps in the surrounding region and opportunities to access to higher education in Bangladesh and Thailand;

(5) capacity-building support—

(A) to ensure that displaced individuals are consulted and participate in decision-making processes affecting the displaced individuals; and

(B) for the creation of mechanisms to facilitate the participation of displaced individuals in such processes; and

(6) increased humanitarian aid to Burma to address the dire humanitarian situation that has uprooted 170,000 people through—

(A) international aid partners such as agencies of the United Nations;

(B) the International Committee of the Red Cross; and

(C) cross-border aid.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$220,500,000 to carry out the provisions of this section for fiscal year 2023.

SEC. 303. AUTHORIZATION OF ASSISTANCE FOR BURMA POLITICAL PRISONERS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the freedom of expression, including for members of the press, is an inalienable right and should be upheld and protected in Burma and everywhere;

(2) the Burmese military must immediately cease the arbitrary arrest, detention, imprisonment, and physical attacks of journalists, which have created a climate of fear and self-censorship among local journalists;

(3) the Government of Burma should repeal or amend all laws that violate the right to freedom of expression, peaceful assembly, or association, and ensure that laws such as the Telecommunications Law of 2013 and the Unlawful Associations Act of 1908, and laws relating to the right to peaceful assembly all comply with Burma's human rights obligations;

(4) all prisoners of conscience and political prisoners in Burma should be unconditionally and immediately released;

(5) the Burmese military should immediately and unconditionally release Danny Fenster and other journalists unjustly detained for their work;

(6) the Government of Burma must immediately drop defamation charges against all individuals unjustly detained, including the three Kachin activists, Lum Zawng, Nang Pu, and Zau Jet, who led a peaceful rally in Myitkyina, the capital of Kachin State in April 2018, and that the prosecution of Lum Zawng, Nang Pu, and Zau Jet is an attempt by Burmese authorities to intimidate, harass, and silence community leaders and human rights defenders who speak out about military abuses and their impact on civilian populations; and

(7) the United States Government should use all diplomatic tools to seek the unconditional and immediate release of all prisoners of conscience and political prisoners in Burma.

(b) **POLITICAL PRISONERS ASSISTANCE.**—The Secretary of State is authorized to continue to provide assistance to civil society organizations in Burma that work to secure the release of and support prisoners of conscience and political prisoners in Burma, including—

(1) support for the documentation of human rights violations with respect to prisoners of conscience and political prisoners;

(2) support for advocacy in Burma to raise awareness of issues relating to prisoners of conscience and political prisoners;

(3) support for efforts to repeal or amend laws that are used to imprison individuals as prisoners of conscience or political prisoners;

(4) support for health, including mental health, and post-incarceration assistance in gaining access to education and employment

opportunities or other forms of reparation to enable former prisoners of conscience and political prisoners to resume normal lives; and

(5) the creation, in consultation with former political prisoners and prisoners of conscience, their families, and their representatives, of an independent prisoner review mechanism in Burma—

(A) to review the cases of individuals who may have been charged or deprived of their liberty for peacefully exercising their human rights;

(B) to review all laws used to arrest, prosecute, and punish individuals as political prisoners and prisoners of conscience; and

(C) to provide recommendations to the Government of Burma for the repeal or amendment of all such laws.

(c) **TERMINATION.**—The authority to provide assistance under this section shall terminate on the date that is 8 years after the date of the enactment of this Act.

TITLE IV—ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES

SEC. 401. REPORT ON ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN BURMA.

(a) **STATEMENT OF POLICY.**—It is the policy of the United States—

(1) to continue the support of ongoing mechanisms and special procedures of the United Nations Human Rights Council, including the United Nations Independent Investigative Mechanism for Myanmar and the Special Rapporteur on the situation of human rights in Myanmar; and

(2) to refute the credibility and impartiality of efforts sponsored by the Government of Burma, such as the Independent Commission of Enquiry, unless the United States Ambassador at Large for Global Criminal Justice determines the efforts to be credible and impartial and notifies the appropriate congressional committees in writing and in unclassified form regarding that determination.

(b) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, after consultation with the heads of other United States Government agencies and representatives of human rights organizations, as appropriate, shall submit to the appropriate congressional committees a report that—

(1) evaluates the persecution of Rohingya in Burma by the Burmese military;

(2) after consulting with the Atrocity Early Warning Task Force, or any successor entity or office, provides a detailed description of any proposed atrocity prevention response recommended by the Task Force as it relates to Burma;

(3) summarizes any atrocity crimes committed against Rohingya or members of other ethnic minority groups in Burma between 2012 and the date of the submission of the report;

(4) describes any potential transitional justice mechanisms for Burma;

(5) provides an analysis of whether the reports summarized under paragraph (3) amount to war crimes, crimes against humanity, or genocide;

(6) includes an assessment on which events that took place in the state of Rakhine in Burma, starting on August 25, 2017, constitute war crimes, crimes against humanity, or genocide; and

(7) includes a determination with respect to whether events that took place during or after the coup of February 1, 2021, in any state in Burma constitute war crimes or crimes against humanity.

(c) **ELEMENTS.**—The report required by subsection (b) shall include the following:

(1) A description of—

(A) credible evidence of events that may constitute war crimes, crimes against humanity, or genocide committed by the Burmese military against Rohingya and members of other ethnic minority groups, including the identities of any other actors involved in the events;

(B) the role of the civilian government in the commission of any events described in subparagraph (A);

(C) credible evidence of events of war crimes, crimes against humanity, or genocide committed by other armed groups in Burma;

(D) attacks on health workers, health facilities, health transport, or patients and, to the extent possible, the identities of any individuals who engaged in or organized such attacks in Burma; and

(E) to the extent possible, the conventional and unconventional weapons used for any events or attacks described in this paragraph and the sources of such weapons.

(2) In consultation with the Administrator of the United States Agency for International Development, the Attorney General, and heads of any other appropriate United States Government agencies, as appropriate, a description and assessment of the effectiveness of any efforts undertaken by the United States to promote accountability for war crimes, crimes against humanity, and genocide perpetrated against Rohingya by the Burmese military, the government of the Rakhine State, pro-government militias, or other armed groups operating in the Rakhine State, including efforts—

(A) to train civilian investigators, within and outside of Burma and Bangladesh, to document, investigate, develop findings of, identify, and locate alleged perpetrators of war crimes, crimes against humanity, or genocide in Burma;

(B) to promote and prepare for a transitional justice mechanism for the perpetrators of war crimes, crimes against humanity, and genocide occurring in the Rakhine State in 2017; and

(C) to document, collect, preserve, and protect evidence of war crimes, crimes against humanity, and genocide in Burma, including by—

(i) providing support for ethnic Rohingya, Shan, Rakhine, Kachin, Chin, and Kayin and other ethnic minorities;

(ii) Burmese, Bangladeshi, foreign, and international nongovernmental organizations;

(iii) the Independent Investigative Mechanism for Myanmar; and

(iv) other entities engaged in investigative activities with respect to war crimes, crimes against humanity, and genocide in Burma.

(3) A detailed study of the feasibility and desirability of a transitional justice mechanism for Burma, such as an international tribunal, a hybrid tribunal, or other options, that includes—

(A) a discussion of the use of universal jurisdiction or of legal cases brought against Burma by other countries at the International Court of Justice regarding any atrocity crimes perpetrated in Burma;

(B) recommendations for any transitional justice mechanism the United States should support, the reason the mechanism should be supported, and the type of support that should be offered; and

(C) consultation regarding transitional justice mechanisms with representatives of Rohingya and individuals from other ethnic minority groups who have suffered human rights violations and abuses.

(d) **PROTECTION OF WITNESSES AND EVIDENCE.**—The Secretary of State shall seek to ensure that the identification of witnesses and physical evidence used for the report re-

quired by this section are not publicly disclosed in a manner that might place witnesses at risk of harm or encourage the destruction of evidence by the military or government of Burma.

(e) **FORM OF REPORT; PUBLIC AVAILABILITY.**—

(1) **FORM.**—The report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

(2) **PUBLIC AVAILABILITY.**—The unclassified portion of the report required by subsection (b) shall be posted on a publicly available internet website.

(f) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 402. AUTHORIZATION TO PROVIDE TECHNICAL ASSISTANCE FOR EFFORTS AGAINST HUMAN RIGHTS ABUSES.

(a) **IN GENERAL.**—The Secretary of State is authorized to provide assistance to support appropriate civilian or international entities that—

(1) identify suspected perpetrators of war crimes, crimes against humanity, and genocide;

(2) collect, document, and protect evidence of crimes and preserving the chain of custody for such evidence;

(3) conduct criminal investigations of such crimes; and

(4) support investigations conducted by other countries, and by entities mandated by the United Nations, such as the Independent Investigative Mechanism for Myanmar.

(b) **AUTHORIZATION FOR TRANSITIONAL JUSTICE MECHANISMS.**—The Secretary of State, taking into account any relevant findings in the report submitted under section 402, is authorized to provide support for the establishment and operation of transitional justice mechanisms, including a hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Burma.

TITLE V—STATUTORY PAY-AS-YOU-GO ACT

SEC. 501. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentlewoman from New York (Ms. TENNEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5497, as amended.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1230

Mr. MEEKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5497, the BURMA Act of 2022, which I have introduced, alongside Representative STEVE CHABOT, the ranking member of the Asia, the Pacific, Central Asia, and Nonproliferation Subcommittee, who I want to thank for working in a bipartisan way.

I also want to thank Foreign Affairs Committee Ranking Member MICHAEL MCCAUL for working with me in a bipartisan way on this very important and very timely bill.

Mr. Speaker, democracy is under severe strain across the globe, and the current crisis in Burma is a stark reminder of this challenge.

It has been just over a year since the Burmese military staged an illegal and illegitimate coup d'etat, seizing control of the Union Government and detaining a broad cross section of democratically elected civilian leaders. As the military upended Burma's fragile transition to democracy, it began a widespread suppression of fundamental freedoms.

Over the past 14 months, the military's brutal and senseless violence has resulted in more than 1,700 people killed, including over 100 children. Thousands have been unjustly detained, and nearly half a million people have been displaced by the military's violence.

Congress cannot, cannot and must not, stand idly by as the military brutally kills its people. As the war in Ukraine has reminded us, America must stand up with freedom-loving people everywhere.

The Burmese people have courageously resisted the military's repression and violence. They have organized a civil disobedience movement to erode the military's ability to govern. A shadow government, the National Unity Government, has emerged to restore democratic civilian rule. All they are asking of us is that the world come to their aid and their cause.

The Biden administration has taken critical steps to stand with the Burmese people, and I want to commend Secretary Blinken's formal determination last month that the Burmese military committed genocide and crimes against humanity against Rohingyas, something that was long, long overdue, and which I advocated for in this current bill.

But now it is Congress' turn to act. The important resolutions, statements of condemnation, and letters of solidarity this body has sent over the past 14 months are important, but not sufficient. The people of Burma need us to do more. Frankly, the Burmese military's gross abuses demand that we do more.

H.R. 5497 is a comprehensive, bipartisan bill that holds the Burmese military accountable through targeted sanctions, puts pressure on the junta by urging greater action at the United

Nations, and calling for a Special Coordinator for Burmese Democracy.

It authorizes humanitarian assistance for the hundreds of thousands of Burmese citizens that have been internally displaced or fled across the border. It calls on the State Department to document the genocide and the crimes against humanity committed against Rohingyas and other Burmese ethnic minorities.

The same military leaders which perpetuated a genocide against Rohingyas are now using the same tactics to unleash unprecedented bloodshed across the entire country. We must end the impunity of the Burmese military and make it harder for it to enact its brutality.

And to every member of the Burmese ruling elite that does not support the pathway taken by General Min Aung Hlaing, let me say to you loud and clear: Now is the time for you to think about your country's future and defect, defect, because the Burmese people and the international community will remember which side you stood on.

The economic and diplomatic pressure that this bill applies is essential to changing the junta's calculus and forcing it to the negotiating table. By passing this legislation, we will take a meaningful step, not just to stand up with the Burmese people, but also to help bring this crisis to an end.

Therefore, before this bill becomes law, I look forward to working with my colleagues in a bipartisan way to refine the sanctions in this bill so that they remain relevant and effective.

Thus, I urge my colleagues to support this measure so that we can move it one step closer to the President's desk.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, April 5, 2022.

Hon. GREGORY MEEKS,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 5497, the BURMA Act of 2022. In order to permit H.R. 5497 to proceed expeditiously to the House Floor, I agree to forgo formal consideration of the bill.

The Committee on Financial Services takes this action to forego formal consideration of H.R. 5497 in light of our mutual understanding that, by foregoing formal consideration of H.R. 5497 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this or similar legislation moves forward with regard to any matters in the Committee's jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation that involves the Committee's jurisdiction and request your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding, and I would ask that a copy of our exchange of letters on this matter be included in the

Congressional Record during Floor consideration of H.R. 5497.

Sincerely,

MAXINE WATERS,
Chairwoman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, April 5, 2022.

Hon. MAXINE WATERS,
Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRWOMAN WATERS: I am writing to you concerning H.R. 5497, the BURMA Act of 2022, as amended. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that provisions of the bill fall within the jurisdiction of the Committee on Financial Services under House Rule X, and that your Committee will forgo action on H.R. 5497 to expedite floor consideration. I further acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your jurisdiction. I also acknowledge that your Committee will be appropriately consulted and involved as this or similar legislation moves forward, and will support the appointment of Committee on Financial Services conferees during any House-Senate conference convened on this legislation.

Lastly, I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. Thank you again for your cooperation regarding the legislation. I look forward to continuing to work with you as the measure moves through the legislative process.

Sincerely,

GREGORY W. MEEKS,
Chairman.

Ms. TENNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is an honor for me to represent New York's 22nd Congressional District, which is home to generations of Burmese refugees, dating back to the first family arriving in the early 2000s, and where nearly 5,000 Burmese refugees reside.

On February 1 of last year, Burma's military seized power in a violent coup, ending 5 years of flawed, but promising, democracy, dragging Burma back into a brutal military rule.

Over the last year, the world has watched in horror as the military targeted innocent Burmese men, women, and children. The latest estimates indicate that over 1,700 people have been murdered and more than 13,000 arrested by the junta.

In the face of this violence and repression, the resilience of the people of Burma is no less than inspiring. The legislation we are considering today is an important step forward in standing with the people of Burma and holding their perpetrators accountable.

The BURMA Act will impose mandatory sanctions on the military regime, as well as entities that continue to support it.

While the White House has begun to take steps to reimpose the sanctions regime that the former Democratic administration prematurely lifted, it is time that the Burmese military is again sanctioned as a matter of law, especially now that the United States

has finally recognized that their crimes against the Rohingya amount to genocide.

Now, more than ever, I urge all to remain committed to the people of Burma's quest for democracy, for peace, and freedom, and to oppose this affront to human dignity.

I thank Chairman MEEKS and Congressman CHABOT for championing this legislation, and I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEKS. Mr. Speaker, I don't think I have any further speakers, so I reserve the balance of my time.

Ms. TENNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, America stands as free people against dictators and despots. It is part of our values, and it is an important signal to the world that the United States stands firm against autocrats, whether in Burma or Russia.

Last Friday, China's Foreign Minister, Wang Yi, showed the world how true this is. He met with his counterpart from the Burmese junta regime and said that the Chinese Communist Party would back the Tatmadaw "no matter how the situation changes."

We are at a critical point in history. Authoritarian regimes like China are partnering with their autocratic allies around the world to make the globe less free; to undermine human dignity and individual freedom; and to oppress those who stand up and have the courage to speak out as the Burmese people have. It is sickening, and it is one more reason why this legislation is so timely.

It is critical that America stands united in supporting the people of Burma and championing their fundamental human rights in the face of military oppression. I will continue to be a voice for this community as we fight to oppose this affront to the people of Burma's dignity and freedom and quest for peace.

I, once again, urge my colleagues to support this measure. I yield back the balance of my time.

Mr. MEEKS. Mr. Speaker, I yield myself such time as I may consume for the purpose of closing.

Mr. Speaker, Congress must do more to address this crisis in Burma, and H.R. 5497, the BURMA Act of 2021, will do just that. It will take concrete steps to hold the Burmese military accountable for its coup and for the perpetration of gross human rights violations and other unspeakable atrocities.

This bill, Mr. Speaker, sends a strong and unequivocal message that there are severe consequences for subverting democracy, and that the United States of America stands firmly with the Burmese people in their struggle for human rights and their democracy.

Mr. Speaker, I hope all of my colleagues, all 435 of us, will join me in supporting this bill, and I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 5497, the BURMA Act which is impor-

tant legislation to support the courageous people of Burma as they struggle to wrest democracy from the hands of their authoritarian military.

On February 1, 2021, after a decade of promising democratic reforms in Burma, the Burmese military (also known as the Tatmadaw) seized control of the civilian government, declared a state of emergency, and unlawfully detained State Councilor Aung San Suu Kyi, President Win Myint, and many Members of Parliament. In response, the people of Burma took to the streets to demand the restoration of civilian rule, only to be met with the Tatmadaw's brutal campaign of repression, involving extrajudicial executions, mass arrests and disappearances, and other authoritarian tactics.

H.R. 5497 is legislation to hold the Tatmadaw accountable for their human rights abuses by authorizing targeted sanctions against the Burmese military and its affiliated entities. These sanctions will deprive the Tatmadaw of the resources they need to continue their violent suppression of the Burmese people. H.R. 5497 also provides much-needed funds to support pro-democracy civil society groups in Burma and alleviate the severe humanitarian crisis caused by the Tatmadaw's violence and mismanagement of the economy.

I'm pleased that this legislation advances many of the goals outlined in H. Res. 896, a resolution I introduced on the one-year anniversary of the coup to condemn the Burmese military's human rights abuses. My resolution calls for tough sanctions against the Tatmadaw, robust humanitarian assistance for the Burmese people, and increased efforts to hold the Tatmadaw accountable for atrocities.

At a time when democracy is being threatened around the world, it's imperative that the United States join with the courageous people of Burma who are fighting to restore democracy in their country. By passing H.R. 5497, Congress will demonstrate our solidarity with the Burmese people, and I urge all my colleagues to support this bill and vote yes.

Mr. CHABOT. Mr. Speaker, as the Ranking Member of the Asia-Pacific Subcommittee, I rise today in support of H.R. 5497, the BURMA Act, bipartisan legislation Chairman MEEKS and I introduced last year in response to the coup in Burma. And I want to thank Ranking Member McCaul and Ms. TENNEY and all those who have supported this legislation on both sides of the aisle.

As everyone who follows the situation in Burma knows, on February 1, 2021 the Burmese military perpetrated a coup against the civilian government, detained its elected leaders and set up a junta.

This is by no means the first time the generals have seized power but this time the response has been different. The people of Burma, in all walks of life have courageously stood up against the military with peaceful protests, mass strikes, and other civil disobedience.

The military's response has been predictable—they initiated a crackdown that continues today. They've killed over seventeen hundred people and imprisoned thousands more. This repression has pushed the country into civil war, essentially, as the generals stubbornly refuse to restore democracy.

Let me be clear, this coup is a blatant violation of the rights of the Burmese people. Self-government and self-determination are rights

of all people around the world, not a gift from a small handful of elites who pretend to be entitled to rule over their fellow citizens. The generals cannot simply back out of democracy when it no longer serves their purposes. It's a right that's owed to the people of Burma.

In response to the coup, Chairman MEEKS and I introduced this BURMA Act. Briefly recapping the history of this legislation, in September 2017, the Burmese military began a genocidal campaign to permanently drive the Rohingya out of Burma which resulted in over 700,000 Rohingya refugees fleeing from Rakhine State, Burma into neighboring Bangladesh. They remain there today without any meaningful hope of returning home.

This campaign consisted of widespread, systematic, and premeditated human rights abuses, including barbaric killings, gang rapes, and the burning of around 400 Rohingya villages. According to a partial State Department report on these atrocities, about half of the Rohingya surveyed said they personally witnessed a rape while about 80 percent witnessed killings and the destruction of villages.

In response to these atrocities, Ranking Member Eliot Engel and I wrote the original BURMA Act which would have imposed sanctions on the military, and deployed several other tools to address longstanding concerns with Burma. While the legislation passed in the House several times, the Senate failed to take it up.

Last year, in response to the coup, Chairman MEEKS and I updated the BURMA Act to provide some measure of accountability for both the genocide in 2017 and this year's coup, and to reflect the sanctions the Biden Administration has already imposed on the Burmese military. The new version of the legislation will levy stronger sanctions against the military, and provide additional assistance to the people of Burma.

I would specifically like to point out that this legislation deals specifically with accountability for the crimes committed against the Rohingya, and has for the last several years required the State Department to determine whether this was a genocide. I'm pleased that last month Secretary Blinken took this step, and declared officially and on behalf of the United States what many of us have known for some time that the crimes were indeed a genocide. This decision is one we can all support—and probably one of the few things this Administration has done that I can really get behind.

As the coup and its aftermath continue to drag on, we must use this determination to renew focus on the situation in Burma and intensify our efforts to see that the Burmese Military comes to terms with the fact that the people have chosen a different path. The BURMA Act would go a long way in that effort, so I would urge my colleagues to support its passage.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 5497, "Burma Unified through Rigorous Military Accountability Act of 2021" or BURMA Act.

The purpose of this bill is to authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma.

The legislation condemns the actions taken by the Burmese military during its coup on February 1, 2021 and its aftermath.

The BURMA Act:

Authorizes sanctions on individuals and entities who helped stage the February 1 coup d'état and are responsible for the subsequent repression of fundamental freedoms, human rights abuses, use of indiscriminate violence towards civilians, and other gross atrocities.

Prohibits the import of precious and semi-precious gemstones from Burma into the United States.

Authorizes a new position at the State Department, a Special Coordinator for Burmese Democracy, to promote an international effort to impose and enforce multilateral sanctions on Burma and coordinate United States Government interagency efforts on Burma.

Authorizes support to civil society and for humanitarian assistance in Burma, Bangladesh, Thailand, and the surrounding region.

Calls for the Department of State to make a genocide determination with regard to the persecution of the Rohingya.

Calls for the United States to pressure the United Nations to take more decisive action with regards to Burma.

By authorizing targeted sanctions against the Burmese military, the Burmese Administrative Council and affiliated entities, the bill holds accountable those responsible for the perpetration of the coup and the ensuing atrocities that have claimed over a thousand lives.

It has been a little over a year since the Burmese military staged its illegal and illegitimate coup, reversing years of reform and Burma's fragile transition to democracy.

The military regime has killed more than 1,728 people since February of 2021, including around 100 children, and illegally detained more than 13,084 people.

The violence toward its own citizens has displaced roughly 400,000 people within the country.

This brings the estimated total of internally displaced persons to 776,000 and of refugees and asylum-seekers in neighboring countries to more than 1 million.

People in Myanmar desperately need food, clean water and protection to survive.

The BURMA Act would address these gaps by funding humanitarian assistance and addressing issues in Myanmar including human rights violations, displacement, and armed conflict.

Having previously lived under military rule and authoritarianism for decades, the people of Myanmar responded to the coup with courage and resistance.

Democracy activists flooded the streets, formed a shadow government, and carried out a massive civil disobedience movement to shut down the machinery of the state.

The tragedy underway in Myanmar epitomizes the battle between democracy and authoritarianism.

However, the people of Myanmar have not received much support from the international community, in efforts to condemn this coup the United States must act now by expanding targeted sanctions to halt this.

The toll on the people of Burma has been truly staggering, under the military's harsh rule, no one is safe from violence, arbitrary detainment, military attack, and infringements on human rights.

I am optimistic that we will pass the BURMA Act to apply economic pressure, provide humanitarian support, and redouble diplomatic efforts against the military junta.

The people of Burma can no longer afford to wait, so neither should we.

I ask my colleagues to join me in voting for H.R. 5497 because these people who have survived crimes against humanity, discrimination, gender-based violence and forced displacement in Myanmar need the humanitarian assistance this bill would provide.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 5497, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UKRAINE INVASION WAR CRIMES DETERRENCE AND ACCOUNTABILITY ACT

Mr. MEEKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7276) to direct the President to submit to Congress a report on United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and any other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ukraine Invasion War Crimes Deterrence and Accountability Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) in its premeditated, unprovoked, unjustified, and unlawful full-scale invasion of Ukraine that commenced on February 24, 2022, the military of the Government of the Russian Federation under the direction of President Vladimir Putin has committed war crimes that include but are not limited to—

(A) the deliberate targeting of civilians and injuring or killing of noncombatants;

(B) the deliberate targeting and attacking of hospitals, schools, and other non-military buildings dedicated to religion, art, science, or charitable purposes, such as the bombing of a theater in Mariupol that served as a shelter for noncombatants and had the word "children" written clearly in the Russian language outside;

(C) the indiscriminate bombardment of undefended dwellings and buildings;

(D) the wanton destruction of property not justified by military necessity;

(E) unlawful civilian deportations;

(F) the taking of hostages; and

(G) rape, or sexual assault or abuse;

(2) the use of chemical weapons by the Government of the Russian Federation in Ukraine would constitute a war crime, and engaging in any military preparations to use chemical weapons or to develop, produce, stockpile, or retain chemical weapons is prohibited by the Chemical Weapons Convention, to which the Russian Federation is a signatory;

(3) Vladimir Putin has a long record of committing acts of aggression, systematic

abuses of human rights, and acts that constitute war crimes or other atrocities both at home and abroad, and the brutality and scale of these actions, including in the Russian Federation republic of Chechnya, Georgia, Syria, and Ukraine, demonstrate the extent to which his regime is willing to flout international norms and values in the pursuit of its objectives;

(4) Vladimir Putin has previously sanctioned the use of chemical weapons at home and abroad, including in the poisonings of Russian spy turned double agent Sergei Skripal and his daughter Yulia and leading Russian opposition figure Aleksey Navalny, and aided and abetted the use of chemical weapons by President Bashar al-Assad in Syria; and

(5) in 2014, the Government of the Russian Federation initiated its unprovoked war of aggression against Ukraine which resulted in its illegal occupation of Crimea, the unrecognized declaration of independence by the so-called "Donetsk People's Republic" and "Luhansk People's Republic" by Russia-backed proxies, and numerous human rights violations and deaths of civilians in Ukraine.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine that began on February 24, 2022, for use in appropriate domestic, foreign, and international courts and tribunals prosecuting those responsible for such crimes;

(2) to help deter the commission of war crimes and other atrocities in Ukraine by publicizing to the maximum possible extent, including among Russian and other foreign military commanders and troops in Ukraine, efforts to identify and prosecute those responsible for the commission of war crimes during the full-scale Russian invasion of Ukraine that began on February 24, 2022; and

(3) to continue efforts to identify, deter, and pursue accountability for war crimes and other atrocities committed around the world and by other perpetrators, and to leverage international cooperation and best practices in this regard with respect to the current situation in Ukraine.

SEC. 4. REPORT ON UNITED STATES EFFORTS.

Not later than 90 days after the date of the enactment of this Act, and consistent with the protection of intelligence sources and methods, the President shall submit to the appropriate congressional committees a report, which may include a classified annex, describing in detail the following:

(1) United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, including a description of—

(A) the respective roles of various agencies, departments, and offices, and the inter-agency mechanism established for the coordination of such efforts;

(B) the types of information and evidence that are being collected, analyzed, and preserved to help identify those responsible for the commission of war crimes or other atrocities during the full-scale Russian invasion of Ukraine in 2022; and

(C) steps taken to coordinate with, and support the work of, allies, partners, international institutions and organizations, and nongovernmental organizations in such efforts.

(2) Media, public diplomacy, and information operations to make Russian military commanders, troops, political leaders and the Russian people aware of efforts to identify and prosecute those responsible for the

commission of war crimes or other atrocities during the full-scale Russian invasion of Ukraine in 2022, and of the types of acts that may be prosecutable.

(3) The process for a domestic, foreign, or international court or tribunal to request and obtain from the United States Government information related to war crimes or other atrocities committed during the full-scale Russian invasion of Ukraine in 2022.

SEC. 5. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

(2) **ATROCITIES.**—The term “atrocities” has the meaning given that term in section 6(2) of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115-441; 22 U.S.C. 2656 note).

(3) **WAR CRIME.**—The term “war crime” has the meaning given that term in section 2441(c) of title 18, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentleman from Texas (Mr. MCCAUL) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 7276, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEEKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 7276, the Ukraine Invasion War Crimes Deterrence and Accountability Act introduced by my good friend and the ranking member of the House Foreign Affairs Committee, Mr. MCCAUL.

I want to thank Mr. MCCAUL for working collectively across the aisle as we do on many bills, but on this important bill, for his leadership on it. It is very timely and very important.

Mr. Speaker, each day we see a growing body of horrifying evidence of atrocities that Russian troops have wreaked on Ukrainian citizens. Mr. MCCAUL and I traveled to Poland, and we saw with our own eyes the refugees fleeing Ukraine because of Putin's war; not knowing whether they would see their husbands or fathers or uncles ever again; not knowing what their tomorrow would be.

This week, the images, the videos, and the firsthand accounts from Bucha were nothing short of chilling, and as it did seeing the refugees cross the border in Poland, it pains my heart to know that this is likely just the tip of the iceberg of what Ukrainians have suffered.

□ 1245

In attempting to justify his war of choice on Ukraine, Putin's relentless dehumanization of Ukrainians has laid the foundation for atrocities so vile it churns one's stomach.

We have seen this before, Mr. Speaker. It is the same dehumanization that has led to every genocide before. I fear what we have seen in Bucha is happening throughout Ukraine right now, and it will only get worse.

Nothing we do on this floor today will erase the generational trauma that Putin's forces have inflicted on Ukrainians, but we can and must ensure that the United States of America is doing everything in its power to collect evidence that can be used to prosecute Russian war crimes and other atrocities. Hopefully, that will deter further systemic human rights abuses in this conflict.

H.R. 7276 would require the administration to detail efforts to collect, analyze, and preserve evidence of war crimes, and to describe the process through which a domestic, foreign, or international court or tribunal could request and obtain information related to war crimes or other atrocities from the United States.

Every day of this illegal and unprovoked war further unites the global community against Russia's aggression in Ukraine. The images that we continue to see day in and day out are shocking to the conscience and also a call to action.

To the leaders of the nations who have yet to condemn this barbaric war of choice, I ask them to please watch these videos of civilians being bombed and, as we did both in Poland and with those who visited us here in the House of Representatives, listen to the survivors who witnessed their neighbors and their friends shot in the streets or in their homes, some bound with their hands behind their backs.

The camera of history is rolling, Mr. Speaker, and it will remember those countries that remain silent.

Russia's aggression in Ukraine must stop. We must unequivocally condemn the atrocities that are being carried out by Putin and his Russian invading forces. Those who are responsible, Mr. Speaker, must be brought to justice, no matter how long it takes or how hard it may be.

The Ukraine Invasion War Crimes Deterrence and Accountability Act will help in collecting the necessary evidence so that we can do just that: Hold those individuals accountable for the atrocities that they have committed.

Mr. Speaker, I ask all of my colleagues to join and support this crucial legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my dear friend, Chairman MEEKS, for working with me on this important legislation. This is a historic time, and it is a historic bill.

This is the largest invasion in Europe since World War II, with war crimes in Europe the likes of which we haven't seen since my father's generation in my father's war.

Mr. Speaker, the world is watching, and history will judge us all by how we act, by our actions. As the chairman said, the tape is filming; the reel is filming this. We are seeing these horrific images coming out of Ukraine as I speak, and sadly, there will be many more. We have just hit the surface.

Corpses are littering the streets of Bucha, their hands tied behind their backs and bullets in their heads. Some are decapitated.

A pregnant woman, covered in blood—these monsters bombed a maternity hospital, for God's sake—as she gets wheeled out, holding on to her womb or baby. Sadly, and tragically, both she and her baby did not survive that day.

Mothers are raped in front of their children, and young girls are raped in front of their families—girls.

The bodies of families are half-buried together in shallow graves, with their hands still sticking out of the ground.

My God, what is happening in this world? I never imagined or thought I would see this in my lifetime. This is of centuries ago, not today.

The bombing of apartments and public buildings providing refuge to children and the elderly, including a theater in Mariupol that had the word “children” written outside so large in Russian that the satellites could see it—we could see it from satellites. What do the Russians do? They bombed it. They bombed it knowing that there were children inside.

Today, just today, most disturbing, we have reporting out of Ukraine that Russia is bringing in mobile crematoriums to deal with the carnage because there are so many bodies in the streets. They are bringing in mobile crematoriums in an effort to hide the evidence of their crimes.

These are Putin's war crimes, and he will be held responsible. He and his cronies, and the Russian troops who have carried them out, must be held accountable.

Sadly, these are not the first war crimes committed by Putin's troops, as the people of Chechnya, Georgia, and Syria can attest.

We cannot wait for the next atrocity before we act. We must do what we can now to deter Russian leaders, commanders, and troops in the field from committing further war crimes.

That is why we introduced this legislation. It will ensure the United States helps the people of Ukraine gather, analyze, and maintain the evidence of these war crimes.

It will also put Russian troops—I think “troops” is probably not the right word—these Russian monsters and their leaders on notice that the world is watching.

The world is watching them right now, and we are taking names. We are

taking the names of these war criminals; we are taking photographs; we are taking surveillance; and we are taking the satellite imagery to document this injustice, this crime against humanity. And we will seek justice.

Mr. Speaker, I am very proud of the bipartisan efforts that our committee has made. But on the topic, I just have to—my God, I can't believe we are here even talking about this. I can't believe this is actually happening in this world, in this century.

These horrific atrocities in Bucha have made one thing crystal clear: No country can remain neutral in the face of this evil. The entire world needs to rally against Mr. Putin and these war crimes. Passing this bill is a step forward to getting justice done.

I was a Federal prosecutor for a good part of my life, and I have dealt with a lot of victims. I have seen a lot of really awful things that man can do to mankind. I have to say, Mr. Speaker, this is probably—in fact, it is absolutely the worst thing I have seen in my lifetime.

The world is watching, and history will judge us all. All nations will judge us all by what we do here and now.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEKS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me thank the leadership of our chairman and the working relationship with the ranking member.

Mr. Speaker, I was in Lithuania as the Russians were coming in, and I spent a couple of days there with the hopes and dreams of many people that, in actuality, there would not be an invasion of Russia into Ukraine, even though we were being briefed on the 30,000 to 40,000 troops in Belarus.

Even on that day, we spoke to Ukraine parliamentarians, who indicated that they were leaving the meeting we were in and taking a 17-hour trip back to Ukraine as their son was standing up to join the Ukrainian military.

Little did we expect—as some people said, “just a couple of days”—that we would be at a point where—we will not call it World War III, but we will call it the most brutal, vicious, and murderous effort in Europe and the world almost since World War II.

I cannot fathom the bodies found in a pit. I cannot understand moms and babies dying in the street. I cannot understand or accept the numbers of civilians targeted, their bodies strewn throughout the various cities.

The movement to the east, the destruction of Odessa, and the unwillingness of Vladimir Putin to even think of being serious at the peace table—it is important to say pronounced war crimes have been committed, that he must be at The Hague.

I believe Europe should be more pronounced in its annunciation. I frankly believe that there is a heavier penalty

that he must pay. I don't believe he should sit at another table of Western civilization.

Most importantly, I rise to support this legislation and believe America is right to insist on Mr. Putin being tried for war crimes.

Ms. JACKSON LEE. Madam Speaker, I rise in support of H.R. 7276 the Ukraine Invasion War Crimes Deterrence and Accountability Act, to direct the President to submit a report to Congress on the United States efforts to collect and analyze evidence and information related to the war crimes committed by the Russian Federation during their full-scale invasion of Ukraine.

This legislation requires the Administration to detail the process our government will undertake to collect, analyze, and preserve evidence of these war crimes, so that perpetrators of these and other atrocities are held accountable.

There is no question of whether the Russian Federation, under the direction of Vladimir Putin has been defying the laws of war throughout its unprovoked, unjust, and unlawful invasion of Ukraine.

H.R. 7276 will ensure the U.S. maintains a coordinated effort to collect evidence to be used to prosecute Russian war crimes in Ukraine.

This bill will help to deter future war crimes by ensuring Russian troops and their commanders know the world is watching closely.

In the three decades since gaining its independence, Ukraine has sought its own path to sovereignty and has pursued closer economic, social, and political ties with the free market and democratic nations of the West.

Since 2013, the Russian Federation under the direction of President Vladimir Putin, has imposed a campaign of political, economic, and military aggression against Ukraine.

In February 2014, the Russian military began the invasion of eastern regions in Ukraine, including the Crimean Peninsula. The military also backed separatist insurgents in the Donbass region, where fighting has killed over 14,000 people.

Today the world is witnessing the unprovoked aggression and invasion ordered by Vladimir Putin.

President Putin and his associates must be held personally liable for the war crimes committed against the people of Ukraine.

Russia claims it is not attacking civilians, yet thousands of people have been killed, mostly from explosive weapons with a wide impact area, including shelling from heavy artillery and multi-launch rocket systems, and missile and air strikes.

Families are being separated by war, adults and children are being ruthlessly killed, and civilian infrastructure has been completely obliterated in parts of eastern Ukraine.

These reckless Russian attacks have leveled homes, preschools, post offices, museums, sports facilities, hospitals, and factories.

Power and gas lines have been severed, bridges and railway stations blown up intentionally to restrict refugee movement within the country.

Civilians have been killed in their cars, while waiting in bread lines, and while seeking treatment in hospitals.

Remnants of a missile were found in a Ukrainian zoo, residential neighborhoods have been shelled to pieces and morgues are overflowing with bodies.

Additionally, a rogue Russia is violently crushing political speech opposing the war from its own citizens.

As Russian ground forces advance in Ukraine, Ukrainians are sheltering from artillery shells and cruise missiles in subways and bomb shelters.

But in addition to the conventional military forces that Russia brings to bear, Russia has been utilizing nonconventional warfare for years.

Russia has been running a long-running campaign to cast Ukrainians as Nazis and the perpetrators of genocide against Russian-speakers in eastern Ukraine in order to justify an invasion.

The western world must continue to march in lockstep against this senseless Russian invasion of a sovereign nation.

We will make it clear to President Putin that there is no possibility for him to win this war when our alliances are as united and as fortified as they are now and will continue to be throughout the entire duration of this conflict.

Putin may seize ground, but he will never hold it.

Thank you, and I look forward to discussing recommended measures to hold Russia accountable for this manufactured war.

□ 1300

Mr. MCCAUL. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. HILL).

Mr. HILL. Mr. Speaker, I rise in strong support of H.R. 7276, the Ukraine Invasion War Crimes Deterrence and Accountability Act.

I am a proud cosponsor of this important legislation, and I thank Chairman MEEKS and the committee for working with Ranking Member MCCAUL on this critical, bipartisan bill.

Last weekend, the world saw in Bucha what the Ukrainian people have been telling us since the start of this invasion, that the Russians are indiscriminately torturing and executing Ukrainian men, women, and children.

It is important in these periods of conflict that the United States contribute to collecting, analyzing, and preserving critical evidence of war crimes and other atrocities.

For two decades Putin has gone unchecked and never paid a diplomatic or even economic price for his 22 years of mania. He has never faced, until he met the Ukrainians, true armed resistance. He leveled Grozny, destroyed historic Aleppo with his coconspirator and partner, Assad, and he waltzed into Crimea, Mr. Speaker, in 2014 without firing a shot. The line has been finally drawn in Ukraine.

This House, on a bipartisan basis, has worked to document Assad's mass murder in Syria. As a result of that work and the work of the United Nations Mechanism, we have had a recent conviction in Koblenz, Germany, of a Syrian intelligence official for crimes against humanity.

The U.N. recently approved an independent inquiry into Ukraine. That is precisely the same step of a decade ago in Syria. Enacting this legislation will ensure that the United States contributes to this effort.

I encourage all my colleagues to support this important bill, and I thank Mr. MEEKS and Mr. MCCAUL for their leadership.

Mr. MEEKS. Madam Speaker, I have no further requests for time at this moment, and I reserve the balance of my time.

Mr. MCCAUL. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I thank my good friend for yielding, and I thank both Ranking Member MCCAUL and Chairman MEEKS for their extraordinary leadership on this important bill that is before us today.

I want to thank Mr. MEEKS for his eloquent remarks a moment ago summarizing the absolute atrocities that are being committed by Vladimir Putin, his military, and Lukashenko who is the enabler, the President of Belarus. The gentleman has described in vivid detail just how horrific this is. And as my good friend from Texas said a moment ago, my father fought in World War II as well in the South Pacific, but the crimes that were committed by imperial Japan and by the Nazis are now being replicated on a grand scale by Vladimir Putin. It has to stop, and it has to stop yesterday. So I rise in strong support of this legislation.

Madam Speaker, on March 8 I chaired a hearing at the Tom Lantos Human Rights Commission entitled "Accountability for Russia's War Crimes and Aggression Against Ukraine." The day before I also introduced a resolution calling for accountability for Vladimir Putin for his crimes against the Ukrainian people and his aggression against Ukraine.

The witnesses could not have been more clear that delay is denial and that we need to act now.

I was very much involved with the court in the former Yugoslavia and very involved with the court for Sierra Leone. David Crane led that effort. I was very involved with the Rwandan court and tried to get a court for Syria but failed. I pushed hard for it with a resolution on this floor, and the House did pass it.

But the key here is timeliness. Don't wait.

The ICC, while it may do some good here, and they do have an investigation that they have instituted, the ICC has been notoriously slow. They have had less than 10 convictions over 20 years. Now, if that venue works, great. But my concern—and I think the concern shared by many, particularly in the NGO community—is that there needs to be another venue stood up quickly that could make the difference.

At the March hearing, David Crane, the founding Chief Prosecutor of the U.N. Special Court for Sierra Leone, talked about an international tribunal created by the United Nations General Assembly. We are all thinking, Hey, when it gets to the Security Council, the Security Council will have two ve-

toes at least. It will be Russia, and it will be China. Not so in the General Assembly. They can stand up a court and they can do it tomorrow that would indict Vladimir Putin on the next day.

There is certainly enough evidence—keep building the evidence, of course—but there is enough evidence to do it right now, and that, hopefully, will tell everybody around him that the time will come when you will be in the dock as well.

I remember meeting with Slobodan Milosevic in Serbia and going to Bosnia and Croatia many times during that horrific war in the Balkans. Time and time again he thought he was untouchable, total impunity because of that. He killed so many because there was no accountability. Well, he went to The Hague as part of the ad hoc tribunal, and he died while the proceedings were underway. But he would have been held to account.

Madam Speaker, I urge my colleagues to support this. We have already had one vote in the General Assembly, 141 out of 198 voted and a number of people abstained. You only need a simple majority.

I did ask our number two at the State Department, at GREGORY MEEKS' hearing earlier today, to take back to the administration the idea of looking at all the venues. But let's get a court constituted immediately. If the ICC wants to step in at some point, fine. But indict Putin. Indict him, and you will see some people running like rats on the ship who were a part of his regime knowing that they, too, will be held accountable and sent to prison for the rest of their lives.

Mr. MEEKS. Madam Speaker, I reserve the balance of my time.

Mr. MCCAUL. Madam Speaker, I yield myself the balance of my time for the purpose of closing.

Madam Speaker, we rise today not as Republicans or Democrats but as Americans and as a united Congress on behalf of the American people condemning these atrocities.

Madam Speaker, there is a group called the Wagner Group that is entering Ukraine right now. They are the worst of the worst. They are mercenaries. They are cold-blooded killers. Mr. Putin has sent them to Africa to kill people in Mali and Libya, and they have been in the Donbas previously. They have a saying, these Wagner thugs, these monsters, that our business is killing, and business is good.

This is sick. They rape women and girls. They kill for a living, and, yes, now they are entering Ukraine.

Sadly, Madam Speaker, I am not sure Bucha is the last we are going to see of this, and when the dust clears from Mariupol, God knows what we are going to find there. God only knows. When they are talking about mobile crematoriums to hide the evidence of so much carnage and so many bodies to be burned. This has to stop.

We are standing together united as Americans condemning this, and as a

former Federal prosecutor, yes, to indict Mr. Putin for his crimes against humanity.

Mr. Putin thought his legacy after this fiasco was going to be reclaiming the glory of the empire. He would be known as great as the czars or maybe Stalin. Maybe he is like Stalin. His legacy is not going to be reclaiming the empire. His legacy is going to be that of a war criminal. That will impact his psyche, and that will impact all those around him, including his oligarchs, that no one is safe here, that you will be indicted internationally, and that you will be brought to justice.

For without justice in the face of these crimes against humanity, what good are we? So this is an historic moment.

I want to thank the chairman, as always, on this committee for working with me to stand up against evil, because that is exactly what this is.

Madam Speaker, I yield back the balance of my time.

Mr. MEEKS. Madam Speaker, I yield myself the balance of my time for the purpose of closing.

Madam Speaker, what we are witnessing Russian troops do in Ukraine represents some of the worst of humankind. Right now, the world is watching horrifying war crimes taking place. The world is watching the extent to which Putin is willing to flout international norms and values in the pursuit of its brutality, and the world is also watching what we as a nation are going to do about it.

The Department of State has officially concluded that Russian forces have committed war crimes in Ukraine which were made vividly clear by the horrifying images emerging over this past weekend from Bucha. Investigations into these war crimes are already beginning and must continue.

I am saying today, as chair of the House Foreign Affairs Committee working along with my friend and partner, the ranking member, MIKE MCCAUL, we will work tirelessly to make sure that justice is delivered and that the administration works strenuously in concert with partners and allies to this end because meaningful justice for these crimes helps prevent such atrocities in the future.

This legislation requires the administration to detail efforts to preserve evidence and hold perpetrators accountable for the atrocities that are committed and to detail the means for domestic, hybrid, or international courts and their tribunals to request access to such information.

This legislation, the Ukrainian Invasion War Crimes Deterrence and Accountability Act, will ensure that victims and perpetrators alike know that the United States of America and the world, we have got to get those off the seat, those who abstain in the U.N., they see the same thing. We need them to stand and have a voice.

The world is watching. The world will hold Putin and the Russian Armed

Forces and those who are in their duma and those who keep pushing this war that is caused by one man, Vladimir Putin—these abhorrent war crimes which continue to go on—accountable. It is a war of choice that Putin has decided to place on Ukraine.

That is why, Madam Speaker, I am so proud to partner with MIKE MCCAUL in bringing H.R. 7276 to the floor today so that my children, my grandchildren, my great-great-grandchildren, will know how I stood at this time in history and how the United States Congress stood at this time in history.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. JACKSON LEE). The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 7276, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. MEEKS. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

□ 1315

RELATING TO THE CONSIDERATION OF HOUSE REPORT 117-284 AND AN ACCOMPANYING RESOLUTION

Mr. RASKIN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1023 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1023

Resolved, That if House Report 117-284 is called up by direction of the Select Committee to Investigate the January 6th Attack on the United States Capitol: (a) all points of order against the report are waived and the report shall be considered as read; and (b)(1) an accompanying resolution offered by direction of the Select Committee to Investigate the January 6th Attack on the United States Capitol shall be considered as read and shall not be subject to a point of order; and (2) the previous question shall be considered as ordered on such resolution to adoption without intervening motion or demand for division of the question except one hour of debate equally divided among and controlled by Representative Thompson of Mississippi, Representative Cheney of Wyoming, and an opponent, or their respective designees.

The SPEAKER pro tempore (Mr. WELCH). The gentleman from Maryland is recognized for 1 hour.

Mr. RASKIN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Pennsylvania (Mr. RESCHENTHALER), pending which I yield myself such time as I may consume. During consideration of this resolution,

all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. RASKIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Monday, the Rules Committee met and reported a rule, House Resolution 1023. The rule provides for consideration of the resolution accompanying House Report 117-284 under a closed rule if the report is called up by direction of the Select Committee to Investigate the January 6th Attack on the United States Capitol. The rule provides 1 hour of debate equally divided among and controlled by Chairman THOMPSON, Vice Chair CHENEY, and an opponent.

Mr. Speaker, if 90 percent of success in life is just showing up, then 90 percent of acting in contempt of Congress is not showing up by failing to respond to multiple subpoenas you have been lawfully served. The rest of contempt is not turning over documents you have been ordered to produce and acting with open disregard and scorn for the rule of law, Congress, and representatives of the American people.

Neither Dan Scavino nor Peter Navarro has shown up in response to repeated congressional subpoenas. They have blown us off completely.

Neither Mr. Scavino nor Mr. Navarro has produced a single document or offered 1 minute of testimony in response to the subpoenas sent by the House of Representatives.

While more than 800 Americans have come forward voluntarily or properly responded to congressional subpoenas, which are orders under penalty of law, saying you must show up to testify under oath and invoke any asserted privileges in person, Scavino and Navarro have followed Steve Bannon and are acting as if they are way too busy and way too important to bother with the mere United States House of Representatives. They think that having worked for a former President of the United States excuses them from complying with lawful orders.

This is clearly false; this is clearly wrong; and we must make an emphatic statement about it today.

Mr. Speaker, I ask America to consider this: If your son or daughter were subpoenaed to come testify before the Congress of the United States, would you advise them to sit home on the couch and blow it off? I know I wouldn't.

Every year, thousands of Americans are held in criminal contempt for ignoring their legal obligations to comply with a lawful subpoena issued by courts or legislative bodies.

Here in the District of Columbia, you can be sent to jail for 6 months and

fined \$1,000 for acting in contempt of a subpoena and not showing up. We have checked on multiple days and found, on any given day, 7, 8, 10, or a dozen people are being found guilty of contempt in the courts of the District of Columbia.

That is the exact same criminal offense that Mr. Scavino and Mr. Navarro committed, and that is the exact same penalty they are facing for their misconduct.

Each of these witnesses was given ample and repeated opportunities to comply, opportunities that continue to this day. Yet, they openly and brazenly flout the authority of the Congress and mock their own personal duty to comply with the rule of law.

Legal contempt exists for those who act with open disregard or disobedience of the law, especially when acting with scorn for the authority of government. It exists precisely for cases like this.

Here is what has happened with Mr. Scavino. In September of last year, the committee issued its first of three subpoenas. We asked him to come testify before us on October 15, 2021, last year.

When he could not be found to actually accept service of the first subpoena, we issued a second subpoena, asking him to appear before the committee on October 28, 2021. He told the committee that wasn't enough time for him; he needed 1 extra week.

We generously gave him a week, and we set a third deposition date of November 4, 2021, but he didn't come on November 4 either. Instead, he requested another extension.

Bending over backward to accommodate this witness, we set a fourth deposition date of November 12, 2021. Still, that wasn't enough time for him.

We acted in good faith again, and assuming he was acting in good faith, we set a fifth deposition date of November 19. When that day arrived, did he finally show up to do his civic duty? No, he did not. Instead, he waited until the eve of the deposition and then, for the first time, challenged the service of the subpoena.

Out of an abundance of deference and caution, and to make every effort to demonstrate the respect for the rule of law that Scavino was not showing, we issued yet a third subpoena inviting him to come testify before us once again on December 1, 2021.

Finally, with Scavino completely out of excuses and the committee out of patience, his final deposition date of December 1 arrived, and he simply did not show up.

Six times this committee invited Scavino to testify, and six times he stood us up. He stood the American people up. He refused to testify before Congress about what he knows about the most dangerous and sweeping assault on the United States Congress since the War of 1812, which was by a foreign power.

But even after he failed to show up in December, the committee held an open door for Mr. Scavino to come in and

testify. But in the more than 6 months since the committee's first subpoena was sent to him, he has never once come in to speak with us. He has not given us a single document, Mr. Speaker.

It is the same basic story with Mr. Navarro. On February 9, we issued him a subpoena to produce documents on February 23 and to testify on March 2. There have been repeated evasions and contortions by the witness since then.

Generous accommodations have been offered by the committee, all of it leading to nothing but his open contempt and mockery for this process and for the rule of law. He never showed up, and he never produced a single document.

When more than 800 Americans have voluntarily testified and complied with the subpoenas rendered by our committee, the witnesses have nothing but excuses for their noncompliance, excuses you would not accept from a teenage child.

Navarro says he wants us to send him written interrogatories, and he will answer his questions in writing. Wouldn't that be nice? Any witness to a car accident, a murder, an assault, or an insurrection in the land would love not to have to answer actual questions under sworn oath, but that is not how our system works.

The word "subpoena" means "under the penalty of law." "Sub" means under; "poena" means "penalty of law." Under the penalty of law, you show up and you answer questions in the United States of America. If you think you have a legal privilege excusing you from answering questions, you assert your privileges under oath, at the time of questioning that you show up, to specific questions, whether it is the attorney-client privilege; the Fifth Amendment privilege against self-incrimination, which a number of witnesses have asserted before our committee, as it is their legal right to do; the priest-penitent privilege; or the executive privilege.

The Court has been clear. The Supreme Court has been clear. If you think you have one of these privileges, you show up and you assert it to the specific questions being asked to you. But the privilege against self-incrimination, the executive privilege, the marital privilege, none of these is a magic wand that you can wave from your sofa and not show up under a subpoena to a lawful proceeding.

But Navarro continues to mutter the words "executive privilege," as if it is some kind of magic wand that would keep him from ever having to testify about anything, like Harry Potter's invisibility cloak. He even says, repeatedly, the executive privilege is not mine to waive, which is high comedy, Mr. Speaker, because it is not his to waive, which means, by definition, it is not his to invoke in the first place.

We know it is not his to invoke. The Supreme Court has been clear about this, too. The executive privilege be-

longs to the President of the United States of America, the actual President. President Biden has specifically decided not to invoke executive privilege in Navarro's case or in Scavino's case.

Yet, Navarro says the executive privilege here belongs to ex-President Donald Trump, which is not only extremely dubious but totally irrelevant.

It is dubious because the Supreme Court just rejected a claim by Donald Trump himself, in *Trump v. Thompson*, that his materials were protected from disclosure to the January 6th Select Committee in Congress by executive privilege.

Even if Trump were still the President, the Court essentially said there is an overwhelming public interest in these materials that dwarfs whatever dubious interest in executive secrecy may linger. So the claim would fail, even if President Joe Biden were himself here to assert it on behalf of Navarro and Scavino.

But Navarro's attempt to stand above the law by mentioning Donald Trump's name is also completely irrelevant. Why? Everyone, please take note of this: Because Donald Trump has never even asserted the executive privilege to cover Peter Navarro, not once. We have received no communication from Donald Trump, either directly or indirectly from Navarro, showing that Trump is trying to exercise an executive privilege claim, which is doomed to failure anyway under the logic of the decision just rendered by the Supreme Court.

Mr. Speaker, so what do we have? Two guys in the District of Columbia blowing off a congressional investigation and subpoenas into a deadly insurrection, which caused multiple deaths; inflicted brutal, savage injuries on 150 of our officers, who ended up with broken jaws, necks, vertebrae, noses, traumatic brain injuries, post-traumatic stress syndrome; and interrupted Congress from executing its constitutional duties of counting electoral college votes for the very first time in American history—oh, yes. And it nearly succeeded in overthrowing the 2020 Presidential election and toppling the peaceful transfer of power, perhaps for all time, as United States District Court Judge Carter wrote in a blistering opinion last week, rejecting this exact same and equally ridiculous claim of John Eastman, who helped cook up the absurd legal camouflage for this attempted coup in the first place against the American constitutional system of government.

The gentlewoman, I think, said something about the Russian hoax or Russian collusion. I accept the heckling, Mr. Speaker. That is all right because if she wants to continue to stand with Vladimir Putin and his brutal, bloody invasion against the people of Ukraine, she is free to do so.

We understand there is a strong Trump-Putin axis in the gentlewoman's party. If she wants to con-

tinue to stand with Vladimir Putin and Donald Trump, that is her prerogative, but please do it on her own time forthwith.

Mr. Speaker, I reserve the balance of my time.

□ 1330

Mr. RESCHENTHALER. Mr. Speaker, I thank the gentleman from Maryland for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the rule before us today provides for consideration of a resolution holding Peter Navarro and Daniel Scavino in contempt of Congress.

From the very beginning, the select committee has been nothing more than a partisan tool used by House Democrats to attack their political opponents. Time and time again, they have run roughshod over our Constitution and they have run roughshod over the very rules of this institution. And to what end? To advance their own political agenda.

We need look no further than the resolution establishing the committee to see their complete disregard for this Chamber. House Resolution 503 states the Speaker shall appoint 13 members, five of whom shall be appointed after consultation with minority leaders. Neither of those "shall" clauses have been met.

While this may seem insignificant to my colleagues across the aisle, it is certainly of consequence to the courts. Let's talk about some case law.

Yellin v. United States. There the Court reversed the conviction of contempt of Congress because a congressional committee failed to adhere to its own rules. The Court explained, "The committee prepared the groundwork for prosecution in *Yellin's* case meticulously." Yet, "It is not too exacting to require that the committee be equally meticulous in obeying its own rules." I suggest to my Democratic colleagues, heed those words.

As a former Navy JAG, I am deeply troubled by the committee's treatment of Mr. Scavino, including clear due process violations. The select committee repeatedly demanded almost immediate responses from Mr. Scavino, while waiting for weeks—weeks—to provide responses to his correspondence.

Further, the select committee has shown complete disregard for Mr. Scavino's legal duty, his legal duty to invoke the executive privilege, which he was instructed to do by President Trump. There is no legal authority that the incumbent President is the final arbiter as to whether executive privilege may be asserted for congressional testimony of close aides to a former President.

The Presidential Records Act applies only to Presidential records within control of the National Archives. That is it. It is a very narrow statute. That act does not control whether testimony can be given.

Let's talk about some more case law. *United States v. Nixon*. The Supreme Court held in that case, "Communications between a President and his closest aides are entitled to a presumption of privilege of confidentiality which can be overcome only by a particularized showing of a need in a criminal case." I want to emphasize criminal case. This is not a criminal case.

Finally, the select committee initially provided Mr. Scavino with 15 topics which they wanted to discuss. That list later grew to 33. The select committee then went so far as to place the onus on Mr. Scavino, saying that it is his responsibility to "identify the specific topics outside the scope of his asserted privilege."

As I am sure my friend across the aisle knows, and any lawyer on the other side of the aisle knows, the burden is not on the subject of the deposition to identify the topics on which they can be questioned. The Supreme Court found—and here is some more case law—in *Watkins v. United States*, the Supreme Court found in that case, "... a person compelled to testify is entitled to have knowledge of the subject to which the interrogation is deemed pertinent. . . ."

If the select committee wanted to conduct a legitimate investigation, they would not be rushing to hold Mr. Scavino in contempt after imposing unreasonable and unattainable timelines, ignoring legitimate assertions of a privilege, and then refusing legitimate accommodations.

It is clear the resolution before us today is not about a witness' refusal to testify or refusing to comply with a congressional subpoena. This is all about Democrats' need to further their partisan agenda.

I urge my colleagues to vote "no" on the previous question and vote "no" on the rule. Madam Speaker, I reserve the balance of my time.

Mr. RASKIN. Madam Speaker, I yield myself such time as I may consume.

This is not a partisan investigation. We were created under House Resolution 503 after, I am afraid, the gentleman and his colleagues voted to thwart a totally bipartisan, independent outside commission made up of five Democrats and five Republicans with equal subpoena power simply because Donald Trump exercised his veto within the Republican Party; the same Donald Trump who calls the madman, mass murderer, Vladimir Putin, a genius, but we know we have some people echoing all of Trump's complicity with Vladimir Putin from the Georgia delegation back there.

This is a bipartisan committee. It is the only committee I am aware of that has a Democratic chair in a Democratic-controlled House of Representatives and a Republican vice chair, Ms. CHENEY, who was the head of the GOP Conference. She was the head of the House Republican Conference, now the vice chair of this committee, and they call it a partisan exercise.

The second point I need to make is that executive privilege must be asserted by the President. This one isn't even asserted by the former President. It is just somebody going in and saying, "I have got an executive privilege."

Is that really the precedent that my colleagues want to set, Madam Speaker? I mean, that is pretty astonishing if that is the position that they are taking.

Madam Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCANLON), my very distinguished colleague.

Ms. SCANLON. Madam Speaker, it has been said before, but ours is a country of laws, not men, and in our democratic Republic, the voters choose who leads, not a dictator, and not a monarch.

But in the wake of the 2020 election, a small group of people decided to reject the rule of law and the will of the voters. They rejected the unanimous conclusion of the courts, the Department of Justice, Homeland Security, and law enforcement and election officials across the country. They tried to pervert the law and throw away the free choice of the people. On January 6, their plan almost worked.

As the select committee investigates what happened that day, and how it can be prevented from ever happening again, over 800 witnesses have come in to share what they know because that is what should happen in a country ruled by law.

Only a handful of people, all of them in the former President's inner circle, have refused to obey the subpoenas. Their baseless claims that they are immune have been rejected by the actual President, by Congress, and by the courts. These entitled few have refused to honor Congress' subpoenas, just like they rejected the results of the election, because they believe they are above the law. They are not.

That is why it is so important that we pass this rule and the underlying bill and hold those in defiance of these subpoenas in contempt, because their conduct is not just unlawful and unpatriotic, it is contemptible.

Our Constitution, not any person, is what makes our country great. Nobody is above the law, and certainly nobody is above the Constitution.

Madam Speaker, I strongly support the rule and its underlying legislation, and I urge all my colleagues who truly love the country more than performative antics to do the same.

Mr. RESCIENTHALER. Madam Speaker, I yield myself such time as I may consume.

My good friend from Maryland was talking about some case law. I will talk case law all day. Here are three real fast:

Quinn v. United States. The Supreme Court said that Congress cannot issue a subpoena for law enforcement purpose.

Watkins v. United States. Congress has no authority to issue a subpoena to

compel exposure for the sake of exposure.

McGrain v. Daugherty. Congress may not issue a subpoena in an attempt to try someone before a committee for any crime of wrongdoing.

I have ample case law up here that will show, at the very best, for my friends across the aisle that case law is unsettled, but it is very likely on the side of Mr. Scavino and Mr. Navarro.

Madam Speaker, I yield to the gentlewoman from New Mexico (Ms. HERRELL) for the purpose of a unanimous consent request.

Ms. HERRELL. Madam Speaker, I rise to ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore (Ms. JACKSON LEE). The Chair would advise that all time has been yielded for the purpose of debate.

Does the gentleman from Maryland yield for purposes of this unanimous consent?

Mr. RASKIN. No, I don't yield for that purpose, which is an extraneous and irrelevant distraction from the resolution. All time yielded is for the purposes of debate only.

The SPEAKER pro tempore. The gentleman from Maryland does not yield; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from Illinois (Mr. BOST) for the purpose of a unanimous consent request.

Mr. BOST. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from Florida (Mr. RUTHERFORD) for the purpose of a unanimous consent request.

Mr. RUTHERFORD. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from Pennsylvania (Mr. JOYCE) for the purpose of a unanimous consent request.

Mr. JOYCE of Pennsylvania. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from

Mr. GROTHMAN. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

Mr. RESCENTHALER. Madam Speaker, I yield to the gentleman from

Mr. BABIN. Madam Speaker, I ask unanimous consent to call up H.R. 471.

the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from Texas (Mr. NEHLS) for the purpose of a unanimous consent request.

Mr. NEHLS. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from New York (Mr. GARBARINO) for the purpose of a unanimous consent request.

Mr. GARBARINO. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from Texas (Mr. WILLIAMS) for the purpose of a unanimous consent request.

Mr. WILLIAMS of Texas. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentlewoman from New York (Ms. MALLIOTAKIS) for the purpose of a unanimous consent request.

Ms. MALLIOTAKIS. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentlewoman from Florida (Ms. SALAZAR) for the purpose of a unanimous consent request.

Ms. SALAZAR. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from Florida (Mr. POSEY) for the purpose of a unanimous consent request.

Mr. POSEY. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from Ohio (Mr. LATTA) for the purpose of a unanimous consent request.

Mr. LATTA. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from North Carolina (Mr. BISHOP) for the purpose of a unanimous consent request.

Mr. BISHOP of North Carolina. Madam Speaker, I request unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from Tennessee (Mr. BURCHETT) for the purpose of a unanimous consent request.

Mr. BURCHETT. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from Texas (Mr. ROY) for the purpose of a unanimous consent request.

Mr. ROY. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from Kansas (Mr. ESTES) for the purpose of a unanimous consent request.

Mr. ESTES. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield to the gentleman from

California (Mr. MCCARTHY), the Republican leader, for the purpose of a unanimous consent request.

Mr. MCCARTHY. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCIENTHALER. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), the Republican leader.

Mr. MCCARTHY. Madam Speaker, two wrongs don't make a right.

Let me be clear: the riot on January 6 was wrong. Any violence on that day should be punished, as I have said before.

But make no mistake: the Democrats' response is also wrong.

For 15 months, Democrats have used January 6 as a blank check to trample on civil rights and congressional norms.

They broke every rule, violated every norm, bullied every skeptic simply to hold on to power.

Let's be honest: this is a political show trial.

The committee has sent hundreds of subpoenas to private citizens for phone records, bank records, and private communications.

To those who invoked their right to due process, Chairman THOMPSON replied, "... you are part and parcel guilty to what occurred."

What a disgusting betrayal of the Constitution and the Bill of Rights.

But think for a second about what Chairman THOMPSON is saying. If you question his authority, if you disobey his demands, then you are a criminal and you should be punished.

Congresswoman LURIA, who is also on the select committee agrees. Last week, she criticized Attorney General Garland for not putting her political opponents in jail fast enough. She told Garland, "... do your job so we can do ours."

I am sure some Members got real excited by that.

Democrats are using the power of the Federal Government to jail their political opponents and threatening the Attorney General for not doing it fast enough.

In their twisted view, this agreement is immoral. Dissent is a crime. And they are to be obeyed without question.

Today's resolution is also about criminalizing dissent.

I can pause, Mr. Speaker, if he needs to listen more.

Mr. RASKIN. I am sorry?

Mr. MCCARTHY. I was going to tell Mr. Speaker if the House is not in order, and you need to listen to staff, I can pause.

Mr. RASKIN. Are you yielding?

Mr. MCCARTHY. No. I said to Mr. Speaker, the House is not in order.

There was no yielding. Your staff is continuing to communicate.

I think if I am speaking, the House should be in order. I don't know if that is a criminal offense, too.

Mr. RASKIN. You have not been heckled by any of our Members, while I was heckled by—

Mr. MCCARTHY. Mr. Speaker, I have the time. You have the gavel.

The SPEAKER pro tempore (Mr. COURTNEY). The gentleman from California is recognized.

Mr. MCCARTHY. Mr. Speaker, the House is not in order. He has not been recognized.

The SPEAKER pro tempore. The House will be in order. The gentleman from California is recognized.

Mr. MCCARTHY. Mr. Speaker, for the House to be in order, should people be in their seats, or should people be talking?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MCCARTHY. Mr. Speaker, the House is not in order. People are standing and talking.

The SPEAKER pro tempore. The House will be in order. The gentleman from California is recognized.

Mr. MCCARTHY. Mr. Speaker, today's resolution is about criminalizing dissent.

Democrats are threatening to throw in jail a good man who has done nothing but attempt to follow the law simply because he is President Trump's closest aid.

Mr. Scavino does not deserve that.

He tried to cooperate with the select committee's requests. He sent timely letters to the committee to clarify the vague scope of the requested testimony.

He even offered to answer the committee's questions in writing, which the committee's rules allow for, so he could balance cooperation with fair concerns about executive privilege.

But the committee rejected every compromise. It is their way or no way.

It took them 2 months to reply to Mr. Scavino's letter, then another 6 weeks. Then they rushed to hold him in contempt.

They also demanded the right to ask any question they wanted, including on topics that have nothing to do with protecting the Capitol, like the 25th Amendment.

Even if you agree that the select committee has a legislative purpose, the fact is that purpose is not unlimited.

The committee must identify a specific nexus between its legislative purpose and the information it wants. But it never identified the nexus for the information it was seeking from Mr. Scavino.

And I bet it won't identify that nexus today either. Why? Because the nexus does not exist.

Without it, their subpoena is invalid.

Congressional oversight is supposed to inform the legislative process and must have a valid legislative purpose.

It is not there so the swamp can bully its political enemies.

Let's be honest. Mr. Scavino never acted like he was above the law, and anyone who says otherwise is wrong. If anyone has acted like they are above the law, it is the Select Committee.

Mr. Speaker, as I said earlier, two wrongs don't make a right.

The riot on January 6 was wrong, but Democrats' reaction to trample American civil liberties is also wrong.

Do we really want to live in a country where politicians can seize your phone records, compel your testimony, and ignore your rights because they disagree with your politics?

Most Americans don't want to live in a country like that.

That happens in Russia, in Communist China, in North Korea. It should never happen in America.

But, Mr. Speaker, under one-party rule, it is. But to all Americans, when we take back the House, it will stop.

□ 1415

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

More than 800 Americans have come to testify before our committee, the minority leader should be notified before he leaves the Chamber. Four of them have categorically refused and blown off the subpoenas of the U.S. House of Representatives.

The minority leader attacks our committee as partisan and political, as some of his colleagues do. Well, we are a bipartisan committee with a Democratic chair and Republican vice chair.

But today, the minority leader gave the game away as he boiled over with rage toward our committee. He gave the game away. He is very upset that the former chair of the House Republican Conference has been telling the truth about Donald Trump's big lie, his incitement of violent insurrection, and the attack on American constitutional democracy.

And that is why he is in the very embarrassing position of having supported, offered, and pressed for an independent, 9/11-style commission about the January 6 attack. And as the minority leader, he asked for five Republicans and five Democrats. He asked for equal subpoena power on both sides, equal staff on both sides.

And Chairman THOMPSON, who now chairs the January 6th Select Committee and chairs the Homeland Security Committee, he agreed to it. A lot of Democrats were upset about that. They said, we are in the majority. Why should we agree to have everything 50/50, right down the middle? But he agreed, and the Democrats agreed, because that is what the Republicans offered.

Great. We were going to have a 9/11-style independent commission.

And then you know what happened? You know who vetoed it? The fourth branch of government, Donald Trump, who some of their Members slavishly report to like sycophants.

And Donald Trump said he didn't want any investigation into the attack on this body, the Congress of the United States. He didn't want any investigation at all.

And you know what the minority leader did? He walked it back. They pulled the plug on the independent commission, and that is why we ended up with the January 6th Select Committee in the House of Representatives, which the Speaker has made sure is bipartisan and has operated, in my experience, Mr. Speaker, as the most bipartisan committee I have ever been on.

Why? Because we don't spend an hour at the beginning of each meeting with a bunch of empty partisan gimmicks and stunts; the kind we just saw, wasting the taxpayers' money and time; 20 minutes of that nonsense going nowhere; at the same time that there is an actual hearing taking place in Cannon 310, right now, by the Committee on Homeland Security, on the question of the border.

But instead of attending the hearing, I counted at least five or six different Members who were in that conga line. I will be interested to know whether they are even going to go to the hearing afterwards. Instead, they come and participate in that empty, absurd ritual, wasting the time of this body.

But the minority leader comes here and, amazingly, attacks our committee, when he sabotaged his own idea. But this committee is closing in on the truth, and that is why we get all these circus antics and all the attempts to distract the American people.

Mr. Speaker, if I had been dealt the hand that my friend from Pennsylvania has been dealt today, as a lawyer, as a Member of Congress, I suppose I would have done everything in my power to distract the House of Representatives also from the business at hand.

We have two people who are flagrantly, brazenly defying the authority of the House of Representatives of the United States in order to avoid coming here to tell the truth. They are acting in contempt of Congress, and we must hold them in contempt of Congress because of that.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Mr. Speaker, I yield myself such time as I may consume.

To my colleague from Maryland, I will argue this case any day of the week, and I think that, ultimately, this will be resolved by the courts. I have got stacks, like I said, of case law to support my argument.

But to call what you just saw absurd, or a waste of time, I don't think the American people think it is absurd to care about the crisis at our southern border; the amount of illegal immigrants coming across the border; the amount of fentanyl that is coming across the border that is literally killing people in the interior.

Let's look at some numbers on this. Just last week, the CBP confirmed

more than 300,000 illegal immigrants evaded Border Patrol, just in the last 6 months alone.

Alarming, Border Patrol warned that the Biden border crisis is already worsening in anticipation of the administration's rollback of title 42.

You just heard 68 Republicans, plus the Republican leader, request to consider legislation that will provide for stringent enforcement of title 42, which allows illegal immigrants to be quickly expelled from the United States.

But clearly, House Democrats aren't concerned about the biggest migration crisis our Nation has ever faced. So let's try this another way.

If we defeat the previous question, I will personally offer an amendment to the rule to immediately consider H.R. 471, the PAUSE Act of 2021.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment into the RECORD, along with any extraneous material, immediately prior to the vote for the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RESCHENTHALER. Mr. Speaker, here to explain the amendment is the bill's author. I yield 3 minutes to the gentleman from New Mexico (Ms. HERRELL), my good friend.

Ms. HERRELL. Mr. Speaker, I rise to oppose the previous question so that we can immediately consider my bill, H.R. 471, the PAUSE Act, which prevents the introduction of new COVID cases, as well as other infectious diseases, from our land and sea borders with Canada and Mexico.

This was the very first bill I introduced when I came to Congress, and recent events have proved it to be the most important ever.

Just this week, The New York Times warned readers to prepare for a new wave of COVID. We also can prepare for a new wave of migrants, about 18,000 a day, when they take title 42 away.

The Biden administration has consistently advocated mandates, masking, lockdowns, and other extreme measures on our American citizens. Yet, they ignore the single biggest danger for the new wave of COVID to ravage America: unvetted, untested illegal aliens who are allowed to flood our southern border, unhindered.

The Biden border crisis has exploded after 1 year under this President. His administration demonizes the men and women of Border Patrol and ICE, refuses to enforce immigration law or enhance border security, and allows hundreds of thousands of illegal immigrants to disappear into the mainland without vetting.

There were 165,000 encounters at our southern border in February, and we are on track to hit 2 million in fiscal year 2022.

Despite this clear and present danger to the people of the United States and the integrity of our borders, the Biden

administration still seeks to throw away the few tools available to fix the situation, like remain in Mexico and title 42.

Title 42 has been an effective containment and mitigation strategy, resulting in the reduced introduction of COVID-19 into the U.S. from outside our borders, by making it easier to turn away illegal aliens traveling from or through countries with continuing COVID cases.

My PAUSE Act would keep title 42 in place until: All State and Federal mandates, requirements, and limitations related to COVID end; all public health emergencies for COVID are over; and the Centers for Disease Control and Prevention reduces the traveler health risk level for Canada and Mexico to level 1, which they are currently level 3.

Eliminating title 42 at this point is reckless and harmful to our national security and our communities. It will lead to more illegal immigration, more drugs, and more hardship on everyday Americans.

I urge my colleagues to support the PAUSE Act, preserve title 42, and stand up to protect both the health and borders of the American people.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

I wanted to go back to something else that the minority leader said in echo of the minority floor leader's points.

They cling to the suggestion that there is no valid legislative purpose being conducted by the January 6th Select Committee; and they also say it is unlawfully composed.

Well, that has been rejected by several courts. In fact, all of the arguments that they are making have been rejected by the courts. I don't think they have won a single case in court yet.

But check out *Budowich v. Pelosi* with Judge Boasberg, or *Eastman v. Thompson*, where these courts said, not only is there a valid legislative purpose, but this is the quintessential legislative purpose; that is, guaranteeing the preservation of democratic self-government. If it is not a valid legislative purpose to investigate violent attacks, insurrections, and attempted coups against the government of the United States, then what is a valid purpose? The courts have said, the courts have got that right. They have written opinions.

I guess we are going to have to send a copy to the minority leader because he is apparently oblivious to it.

But even without the courts slapping down everything they are saying over there, just think about it. Would they really want to say that if there are violent attacks taking place against the Capitol we can't investigate it?

The Eastman decision also rejected the claim that we are somehow unlawfully composed.

I have got to say something on behalf of Representative LIZ CHENEY, who I

probably disagree with on 90 percent of the issues we vote on here. But she was just maligned and castigated by the minority leader in an utterly unfair way.

She has operated with nothing but patriotism for this country and constitutional patriotism for the rule of law and the processes that define us. And they can overthrow her as the head of their caucus because she doesn't bow down on the altar of Donald Trump and Vladimir Putin the way that the gentlewoman from Georgia was heckling me does. And they can attack her because she thinks for herself and doesn't act like a cult member.

But we won't do that, even though we disagree with her on a lot of issues, but she is a constitutional patriot, and I feel she is owed an apology.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Mr. Speaker, I yield myself such time as I may consume.

Ben Shapiro says the "facts don't care about your feelings," and they don't. And I will say this: The case law doesn't care about what your political position is.

So if you want to talk about more case law, how about *Trump v. Thompson*, 2022, Justice Kavanaugh ruled: "A former President must be able to successfully invoke the Presidential communications privilege for communications that occurred during his Presidency, even if the current President does not support the privilege claim."

I have got more and more case law that I could produce. But let's just go back to the fact that this select committee is a partisan political hit job. If this really had a legitimate legislative function, then let me ask you this: Where are the subpoenas for the former House Sergeant at Arms and the former head of the D.C. National Guard? We haven't seen those subpoenas.

What about questions and subpoenas that are designed to elicit information about why this Capitol was left unprepared and how to prevent it from happening again? That would be a legitimate legislative function.

What we are seeing is this committee masquerading as if it is some kind of grand jury, which is wholly inappropriate and a violation of the separation of powers.

Mr. Speaker, I yield 3 minutes to the gentleman from the great State of Texas (Mr. ROY), to talk more about this.

Mr. ROY. Mr. Speaker, I thank my friend from Pennsylvania for yielding.

Mr. Speaker, I rise in opposition to the previous question. The gentleman from Maryland, my friend, raised some issues about saying that we are wasting time when we have stunts, he called them, I think, or I am paraphrasing.

So here I am, and I am going to be talking about an important issue which, I assume, might be labeled as a

stunt, to say that I oppose the previous question because there is something for me that is so critical and so existential to the people I represent in the State of Texas and to the people across this country, which is the decision by the CDC, in conjunction with the Department of Homeland Security Secretary, and the President of the United States, to end title 42 enforcement on the border of the United States.

Now, our mutual colleague and friend who was in the chair, and the Speaker from Texas, Ms. JACKSON LEE, who is on the Judiciary Committee, raised the issue about the imminent harm that may befall us because of the continued and new strains of COVID in April.

Well, if that is true, why would the CDC say that we should stop enforcement of title 42 at our border?

We have 8,000 people a day coming across the border of the United States and being apprehended; 8,000. Half of those are being turned away under title 42. The estimates by Border Patrol experts are that those numbers will swell to over 10,000, maybe as high as 15 to 18,000, when you get to the summer months.

And when that happens, and you stop enforcing title 42, then all of those individuals will be released into the United States.

□ 1430

That is a major problem because it is not just the numbers themselves; it is the consequences. When Border Patrol is processing individuals because of the failed policies of the administration, it means that you have, as we saw last year, half a million people who were known got-aways because Border Patrol is now at the locations to process individuals.

Then you have known got-aways, which means you have massive numbers of people coming here with criminal records from places all over the world, 150 to 160 countries, including dangerous individuals from known terrorist states.

The point here is that we have legislation for this body, the people's House, to require title 42 to be enforced. YVETTE HERRELL, my colleague from New Mexico, introduced that last February. I filed a discharge petition for that bill last April because, for the people watching at home, the Speaker of the House controls the floor, and my Democratic colleagues control the floor. The only way we have power to change that is through a discharge petition. We have 211 signatures. We have all Republicans, I think save maybe one, who have signed the discharge petition.

We are asking our Democratic colleagues to join us in defense of the United States to call up this discharge petition so we can have a debate on title 42 and securing the border of the United States, which is what that conga line was all about: trying to protect our country.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before the gentleman goes, I want to tell the gentleman from Texas that I would never accuse him of performing a stunt. I was referring to the people who should have been in the Homeland Security Committee hearing actually dealing with the issue they profess to be talking about here on the floor under completely different auspices.

Let me go back to the questions offered by my distinguished friend from Pennsylvania who said, well, if they really did have a valid legislative purpose, as all these courts are saying, then they would be talking to the former Sergeant at Arms—well, we have—and we would be talking to the National Guard—we have.

Somebody is going to have to dust off the talking points over on that side because we have heard from more than 800 people who were involved.

This has nothing to do with any kind of ideological witch hunt; this has to do with an assault on American democratic institutions.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCENTHALER. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida (Mrs. CAMMACK).

Mrs. CAMMACK. Mr. Speaker, I am here today to rise in support of ordering the previous question on Congresswoman HERRELL's bill, the SHIELD Act, that would stop the Biden administration from ending title 42, the very necessary public health order used by CBP officials at the southwest border.

Since President Biden took office in January of last year, Customs and Border Protection have encountered over 2 million illegal immigrants at the southern border. This number is more than at any other time during the Trump administration and still continues to astonish those of us who have actually visited the border to see what is happening there.

Unlike the trafficker in chief, who would rather retreat to his beach house in Delaware than face the American people, or the so-called border czar, who visited El Paso once and figured that that was good enough, I myself have been to the border three times to see this crisis for myself. In fact, over 70 percent of my Republican colleagues have been to see the tragic crisis unfolding there.

As a member of the Homeland Security Committee, I have followed this issue from the very beginning and have feared the very day when title 42 would be rescinded for political purposes.

Speaking of political purposes, I find it exceptionally hypocritical that this very Chamber is still utilizing proxy voting under the guise of a public health concern. In fact, on March 29, the Speaker extended proxy voting through May 14 of this year because of "the ongoing public health crisis."

It is curious that the Speaker doesn't seem to think that our own border being overrun by 2 million undocumented people has no bearing on the

safety of the general American public, but a Congress of 435 Members with an 80 percent vaccination rate seems to qualify for an "ongoing public health crisis." That, to me, screams hypocrisy.

Furthermore, there are Members of this Chamber who have been voting "present" via proxy. The hypocrisy and the irony are not lost on me nor the American people, Mr. Speaker.

Additionally, every single one of my colleagues who decided to show up here today had to wear a mask to get on a plane. That mandate is still in place due to the ongoing public health crisis.

Mr. Speaker, we have two very clear instances here in this Chamber where the "ongoing public health crisis" is used as a justification for policy decisions. Why not the safety, then, for all Americans and our communities across this country by securing the border? Why not uphold and keep title 42 in place?

If you have ever spoken to a CBP officer or a Border Patrol agent, they will tell you that title 42 is necessary, that ending it will send even more people to the southern border. It is a magnet.

Ending it will prolong the crisis. It will grow the crisis. It will once and for all put an end to national security as we know it.

Take it from the wife of a first responder who deals with this crisis every single day. I have had dozens of Border Patrol agents text and call me the last few days, begging for help to hold the line on title 42. They have said: Please, Congress, hold the line on title 42. It must be protected because it is the only policy in place currently that, in the slightest, will slow this surge that we have watched grow before our eyes.

If you stand with our Border Patrol agents, if you stand with the American people, if you give a damn about our communities, then you will support the SHIELD Act.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. RASKIN. Mr. Speaker, I reserve the balance of my time.

Mr. RESCENTHALER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KATKO), the ranking member of the Homeland Security Committee.

Mr. KATKO. Mr. Speaker, I rise today in opposition to the previous question and in support of H.R. 471, the Protecting Americans from Unnecessary Spread upon Entry from COVID-19 Act, the PAUSE Act.

This week, I joined Leader MCCARTHY and several of my colleagues at a meeting with the National Border Patrol Council, representatives of 18,000 members of the Border Patrol, to discuss the crisis at the southern border.

Just as we predicted, the number of daily border encounters has been trending dramatically upward since

President Biden took office in 2021. The administration has created an untenable situation from which it may take several years, at a minimum, to recover.

The irresponsible decision to roll back Title 42, the Public Health and Welfare authority; the halting of border wall construction; the lack of support for frontline law enforcement personnel; the undermining of the Migrant Protection Protocols; and the total absence of a long-term border security plan of any sort have only made matters worse.

The U.S. Customs and Border Protection is now seeing over 7,000 encounters daily, and the Department of Homeland Security is said to be bracing for a significant mass influx of nearly 18,000 migrants daily when title 42 ends. That is absolutely an untenable situation.

As the U.S. finally gets a handle on managing the spread of new variants and moves steadily toward a post-pandemic recovery, now is not the time to end the use of title 42 and jeopardize all that progress, especially as numerous countries continue to struggle with the rapid spread of COVID-19 and strengthening variants.

The very purpose of title 42 is to prevent the introduction of dangerous communicable diseases into American communities. We should be doubling down on protecting our communities and economy from these threats, not weakening them.

Our border security and immigration system cannot handle any more pull factors, as the Biden administration has proven unwilling to secure our southern border. As we are witnessing, the administration continues to strip every tool for managing the border crisis away from frontline law enforcement.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RESCENTHALER. Mr. Speaker, I yield an additional 30 seconds to the gentleman from New York.

Mr. KATKO. Mr. Speaker, transnational criminal organizations and drug cartels are taking full advantage by highlighting the weak border security posture of the administration while profiting from this crisis. The administration continues to roll back commonsense border security measures, thereby feeding into a false narrative for would-be migrants and encouraging them to come to the United States to seek asylum.

Many migrants who make this dangerous journey to the United States will not be eligible under the Federal law for asylum, forcing them to seek other ways to enter the United States.

We know for a fact that cartels control who crosses the U.S.-Mexico border. They charge migrants exorbitant fees knowing that some will never be able to repay, leading many of the migrants with only one option: to work off their fees.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. RESCENTHALER. Mr. Speaker, I yield an additional 30 seconds to the gentleman from New York.

Mr. KATKO. Mr. Speaker, this work often leads them into a trafficking situation here in the United States.

Drugs, such as fentanyl, methamphetamine, and other fentanyl-laced drugs, are pouring across the southern border and destroying our communities and ending the lives of thousands of Americans every year. This year alone, for the first time, more than 100,000 Americans died of drug overdoses. That is directly related to the border. It has to stop.

I appreciate the focus of my colleagues on this critical homeland security issue, especially my colleague from New Mexico, who knows firsthand the impact the border crisis is having on our communities.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before the gentleman leaves, I want to say a word about the distinguished gentleman from New York. We are all blessed to have Mr. KATKO as a colleague. He is a brilliant lawyer and a man of exceptional character and honor.

He was the one who had been tasked by the minority leader to negotiate with the majority about creating an independent commission to investigate the assault on American democracy that took place on January 6. He was given very specific instructions, and he came back a winner. He had gotten an agreement for five Republicans and five Democrats, equal subpoena power right down the middle.

Alas for his caucus, alas for this Congress, alas for the country, the leadership pulled the rug out from beneath him.

We are going to be very sorry to see Mr. KATKO leave Congress at the end of this session. We will all be impoverished by his absence.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCENTHALER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BISHOP).

Mr. BISHOP of North Carolina. Mr. Speaker, behold the nonpartisan nature of the January 6th Committee. It puzzles me why it would have been so different had the allegedly bipartisan commission been approved.

In fact, in the January 6th Committee's markup on the contempt resolutions, the grand inquisitor said, in opening: "I can say confidently that the many involved in the run-up to January 6, an oath, a statement of fidelity to our democracy, was nothing more to them than meaningless words. I fear what happens if those people are again given the reins of power." This sums up the purpose of the January 6 inquisition in a way that is both cogent and terrifying.

What the January 6th Committee lacks in bona fide legislative purpose, not patina of legislative purpose but bona fide legislative purpose, it makes

up for in pure political vendetta. This investigation isn't about truth or democracy; it is a pure political power play.

The immediate target is President Trump, but the ultimate target is those people—namely, the millions of Americans—who voted for President Trump.

Why is there no dissent from this objective on this committee? Well, because the only Members nominally representative of the minority, chosen by the majority Speaker over the objection of the minority, share the political objectives of the grand inquisitor.

Accordingly, LIZ CHENEY said during the January 6th Committee markup of these contempt resolutions: "Our committee will continue to litigate to obtain the testimony we need." What need? To inform what legislative purpose does the committee need to obtain the RNC's contributor data and information, to discover who opened its emails and clicked through to donation pages?

On the other hand, it could serve her purpose to demonize her political opponents, especially those who donate to President Trump.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RESCENTHALER. Mr. Speaker, I yield an additional 30 seconds to the gentleman from North Carolina.

Mr. BISHOP of North Carolina. Mr. Speaker, it is common for the zealot to lose the capacity for irony. Hence, Chairman THOMPSON says that laws prohibit doing politics on the clock: "It is important that taxpayer dollars don't support political activity."

Ms. CHENEY waves the Constitution even while she poses as the designee of the minority, imposed on the minority in a historically unprecedented trampling of the institutional norms. This is a kangaroo court, a court of the star chamber.

They continue to trample the concepts and the institutional norms of the Congress, and I am certain that the American people will have an answer for it very soon.

Mr. RESCENTHALER. Mr. Speaker, I reserve the balance of my time.

Mr. RASKIN. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, the people of the United States deserve to know the truth. With all the ranting of my friends across the aisle, the Constitution indicates that this Nation was formed to create a more perfect Union.

□ 1445

There were those who incited January 6. There were those who surrounded President Trump who did nothing to stop the violence and terrorism of January 6. If witnesses come before a duly authorized bipartisan committee and refuse to provide the American people with the truth, then we need to stand here and provide them with a contempt order so that the truth can be found.

Mr. Speaker, I ask my colleagues to join me in voting for this contempt order for the truth for the American people and the sanctity of the Constitution.

Mr. RESCHENTHALER. Mr. Speaker, I just want to check if there are any further speakers that my friend from across the aisle has.

Mr. RASKIN. Mr. Speaker, I have no further speakers.

Mr. RESCHENTHALER. Mr. Speaker, at this time I have no further speakers, and I yield myself the balance of my time.

Mr. Speaker, in closing, I consider the gentleman across the aisle a friend, and it is certainly an honor and a privilege to debate law with him given the fact that he is a renowned constitutional law expert. I mean that sincerely. It is fun being up here with the gentleman. So knowing that he has the last word, I do just have to cite one more case for my good friend.

I just keep going back to the Trump v. Thompson where Justice Kavanaugh said that there are only two very narrow exceptions to this privilege. Number one, which can be found in *United States v. Nixon*, relates to a pending criminal trial. There is no pending criminal trial here. That exception is not applicable.

The second narrow exception is one found in *Senate Select Committee v. Nixon*. In there, it is whether the subpoenaed evidence is demonstrably critical to the responsible fulfillment of a committee's function. I am quoting the precedent here. That case law goes on to state that there are clear differences between Congress' legislative tasks and the responsibility of a grand jury.

He went on further to describe that Congress frequently legislates on the basis of conflicting information provided in its hearings all the time. So I would submit that that exception does not apply either. Reasonable minds can differ, but I am very confident that the case law here supports the case of Mr. Scavino.

With that said, the law notwithstanding, it seems that my friends across the aisle have proven time and time again that they don't care about the separation of powers, they don't care about the protection of our constitutional rights, and they don't even care about the rules of the House. They only do if those items fit a political narrative.

It is very clear to me that from the Select Committee to Investigate the January 6th Attack on the United States Capitol's treatment of Mr. Scavino and from the resolution before us today that they would prefer to keep up their political theater rather than conduct a legitimate congressional investigation.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question and "no" on the rule, and I yield back the balance of my time.

Mr. RASKIN. Mr. Speaker, I do want to thank my friend from Pennsylvania.

Sometimes when I hear him in the committee, I think about another great Republican who served in the House of Representatives from Pennsylvania, Thaddeus Stevens. But today, my friend let me down a little bit because Thaddeus Stevens was a great enemy of insurrection and rebellion. He led the forces in this Congress who insisted upon accountability for the people who would dare wage war against the Congress of the United States and against the Union and the people who were all elected to serve and to represent.

Justice Kavanaugh, of course, was not ruling in the case that my good friend cited before. He was just opining. There was no ruling there. So that was one Justice's opinion.

My friend cuts me to the quick when he says that we don't care about the separation of powers. I think I am going to have to turn that insult around and say that they don't care about the separation of powers because the executive privilege of the Supreme Court has repeatedly held, going all the way back to 1953, in a case called the *United States v. Reynolds* that the executive privilege may be invoked only by the President of the United States.

And this President of the United States, who represents the Article II branch, has said he is not invoking it on behalf of Scavino or Navarro. He has rejected it.

The funny part is that the former President they talked about hasn't even shown up to try to invoke it. And what they are talking about doing could never be the subject of executive privilege anyway because it is political activity, which is a crime under the Hatch Act. It is criminal activity. It is a crime to engage in insurrection and coup.

How could executive privilege—even if you had a President who wanted nothing more than to try to drape the activities of Scavino and Navarro in executive privilege, how could that President ever prove that it applied? Navarro's job, for example, was the trade adviser. This has nothing to do with trade. He was engaged in trying to overthrow a Presidential election, as Judge Carter said last week.

Mr. Speaker, this is a matter of the utmost solemnity and seriousness to the American people. We are talking about the survival of American democratic government. For most of human history, people have lived under people like Vladimir Putin and Donald Trump, the kings, the queens, the dictators, the tyrants, and the bullies whom some people would want to flatter.

But we have something else going on here in America. We have got a project in democratic self-government. Lincoln knew how tenuous it was. He asked whether government of the people, by the people, and for the people shall last or shall perish from the Earth.

That is the question facing us, too. So let's deal with all the issues and

controversies we want. But couldn't we get together and all stand up for the institutions of the country?

We are doing that in our committee, which is bipartisan. I fear that sometimes we are moving into a Democratic/Republican caucus in Congress and a Trump caucus. There are those of us, like Ms. CHENEY, like Mr. KINZINGER, and like Mr. THOMPSON on the committee, who want to work together to get to the bottom of this and then to deal with the problems of the country. And then there are those, like the minority leader, who will follow the will of Donald Trump if he says he doesn't want any investigation at all.

I am sorry, Mr. Speaker, but that is where we are today. These two witnesses have acted with contempt towards Congress and the American people. We must hold them in contempt of Congress and the American people.

Mr. BURGESS. Mr. Speaker, this rule provides for consideration of yet another Contempt of Congress resolution that has no purpose other than to punish. If the January 6th Select Committee wanted to actually compel production of the documents and records they subpoenaed, they would instead be suing for civil enforcement. But that takes time, and there are only eight months left before these subpoenas expire.

Congressional Committees may conduct investigations in pursuit of a legislative purpose. I ask: What legislative purpose would be served by referring Peter Navarro and Daniel Scavino for criminal Contempt of Congress rather than suing for civil enforcement?

Additionally, the question of executive privilege is not legally settled. President Biden has stated he would not grant executive privilege regarding Mr. Scavino's testimony, but the Presidential Records Act governs presidential records, not the testimony of aides to former presidents. The committee also demanded ridiculous compliance timelines in requests to Mr. Scavino, further indicating a lack of willingness to undertake a legitimate and thorough investigation.

As we get closer to the end of the year, will the Select Committee go straight to recommending Contempt of Congress for every subpoenaed individual that requests accommodations or an extended timeline?

I urge a no vote on this misguided resolution.

The material previously referred to by Mr. RESCHENTHALER is as follows:

AMENDMENT TO HOUSE RESOLUTION 1023

At the end of the resolution, add the following:

SEC. 2. Immediately upon adoption of this resolution the House shall proceed to the consideration in the House of the bill (H.R. 471) to prohibit the Secretary of Health and Human Services from lessening the stringency of, and to prohibit the Secretary of Homeland Security from ceasing or lessening implementation of, the COVID-19 border health provisions through the end of the COVID-19 pandemic, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided

and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommend.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 471.

Mr. RASKIN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RESCHENTHALER. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by a 5-minute vote on adoption of the resolution, if ordered.

The vote was taken by electronic device, and there were—yeas 219, nays 206, not voting 4, as follows:

[Roll No. 116]

YEAS—219

Adams	Deutch	Levin (MI)
Aguilar	Dingell	Lieu
Allred	Doggett	Lofgren
Auchincloss	Doyle, Michael	Lowenthal
Axne	F.	Luria
Barragán	Escobar	Lynch
Bass	Eshoo	Malinowski
Beatty	Españillat	Maloney,
Bera	Evans	Carolyn B.
Beyer	Fletcher	Maloney, Sean
Bishop (GA)	Foster	Manning
Blumenauer	Frankel, Lois	Matsui
Blunt Rochester	Gallego	McBath
Bonamici	Garamendi	McCollum
Bourdeaux	Garcia (IL)	McEachin
Bowman	Garcia (TX)	McGovern
Boyle, Brendan	Golden	McNerney
F.	Gomez	Meeks
Brown (MD)	Gonzalez,	Meng
Brown (OH)	Vicente	Mfume
Brownley	Gottheimer	Moore (WI)
Bush	Green, Al (TX)	Morelle
Bustos	Grijalva	Moulton
Butterfield	Harder (CA)	Mrvan
Carbajal	Hayes	Murphy (FL)
Cárdenas	Higgins (NY)	Nadler
Carson	Himes	Napolitano
Carter (LA)	Horsford	Neal
Cartwright	Houlahan	Neguse
Case	Hoyer	Newman
Casten	Huffman	Norcross
Castro (TX)	Jackson Lee	O'Halleran
Cherfilus-	Jacobs (CA)	Ocasio-Cortez
McCormick	Jayapal	Omar
Chu	Jeffries	Pallone
Cicilline	Johnson (GA)	Panetta
Clark (MA)	Johnson (TX)	Pappas
Clarke (NY)	Jones	Pascarell
Cleaver	Kahele	Payne
Clyburn	Kaptur	Perlmutter
Cohen	Keating	Peters
Connolly	Kelly (IL)	Phillips
Cooper	Khanna	Pingree
Correa	Kildee	Pocan
Costa	Kilmer	Porter
Courtney	Kim (NJ)	Pressley
Craig	Kind	Price (NC)
Crist	Kirkpatrick	Quigley
Crow	Krishnamoorthi	Raskin
Cuellar	Kuster	Rice (NY)
David (KS)	Lamb	Ross
Davis, Danny K.	Langevin	Roybal-Allard
Dean	Larsen (WA)	Ruiz
DeFazio	Larson (CT)	Ruppersberger
DeGette	Lawrence	Rush
DeLauro	Lawson (FL)	Ryan
DelBene	Lee (CA)	Sánchez
Delgado	Lee (NV)	Sarbanes
Demings	Leger Fernandez	Scanlon
DeSaulnier	Levin (CA)	Schakowsky

Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier

Aderholt
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boehert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgett
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Clyde
Cole
Comer
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Foxy
Franklin, C.
Scott
Fulcher
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gibbs

Allen
Castor (FL)

Stansbury
Stanton
Stevens
Strickland
Suzuki
Swallow
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan

NAYS—206

Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guthrie
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kinzinger
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
Gaetz
McHenry
McKinley
Meitman
Meuser
Miller (IL)

NOT VOTING—4

□ 1530

Messrs. JOHNSON of Ohio and FEENSTRA changed their vote from “yea” to “nay.”

Messrs. SCOTT of Virginia and RUSH changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bass (Beyer)	Grijalva	Payne (Pallone)
Bowman (Evans)	(Stanton)	Peters (Jeffries)
Cárdenas (Soto)	Harder (CA)	Porter (Wexton)
Castro (TX)	(Correa)	Price (NC)
(Correa)	Huffman	(Butterfield)
Cawthorn (Gaetz)	(Stanton)	Roybal-Allard
Clark (MA)	Johnson (TX)	(Pallone)
(Blunt)	(Jeffries)	Schiff (Beyer)
Rochester)	Joyce (OH)	Scott, David
Comer	(Garbarino)	(Jeffries)
(Arrington)	Kahele (Mrvan)	Sires (Pallone)
Connolly	Kirkpatrick	Steube (Donalds)
(Wexton)	(Pallone)	Suzuki (Beyer)
Cooper (Correa)	LaTurner (Mann)	Taylor (Jackson)
Crawford (Long)	Lawson (FL)	Wasserman
Crist (Soto)	(Evans)	Schultz (Soto)
Cuellar (Correa)	Mfume (Evans)	Watson Coleman
Doyle, Michael	Newman (Garcia	(Pallone)
F. (Evans)	(IL))	
Gomez (Soto)	Owens (Tennney)	

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RESCHENTHALER. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 8, as follows:

[Roll No. 117]

YEAS—221

Adams	David (KS)	Kelly (IL)
Aguilar	Davis, Danny K.	Khanna
Allred	Dean	Kildee
Auchincloss	DeFazio	Kilmer
Axne	DeGette	Kim (NJ)
Barragán	DeLauro	Kind
Bass	DelBene	Kinzinger
Beatty	Delgado	Kirkpatrick
Bera	Demings	Krishnamoorthi
Beyer	DeSaulnier	Kuster
Bishop (GA)	Deutch	Lamb
Blumenauer	Dingell	Langevin
Blunt Rochester	Doggett	Larsen (WA)
Bonamici	Doyle, Michael	Larson (CT)
Bourdeaux	F.	Lawrence
Bowman	Escobar	Lawson (FL)
Boyle, Brendan	Eshoo	Lee (CA)
F.	Españillat	Lee (NV)
Brown (MD)	Evans	Leger Fernandez
Brown (OH)	Fletcher	Levin (CA)
Brownley	Foster	Levin (MI)
Bush	Frankel, Lois	Lieu
Bustos	Gallego	Lofgren
Butterfield	Garamendi	Lowenthal
Carbajal	Garcia (IL)	Luria
Cárdenas	Garcia (TX)	Lynch
Carson	Golden	Malinowski
Carter (LA)	Gomez	Maloney,
Cartwright	Gonzalez,	Carolyn B.
Case	Vicente	Maloney, Sean
Casten	Gottheimer	Manning
Castor (FL)	Green, Al (TX)	Matsui
Castro (TX)	Grijalva	McBath
Cheney	Harder (CA)	McCollum
Cherfilus-	Hayes	McEachin
McCormick	Higgins (NY)	McGovern
Chu	Himes	McNerney
Cicilline	Horsford	Meeks
Clark (MA)	Houlahan	Meng
Clarke (NY)	Hoyer	Mfume
Cleaver	Huffman	Moore (WI)
Clyburn	Jackson Lee	Morelle
Connolly	Jacobs (CA)	Moulton
Cooper	Jayapal	Mrvan
Correa	Jeffries	Murphy (FL)
Costa	Johnson (GA)	Nadler
Courtney	Johnson (TX)	Napolitano
Craig	Jones	Neal
Crist	Kahele	Neguse
Crow	Kaptur	Newman
Cuellar	Keating	Norcross

O'Halleran	Sánchez	Takano
Ocasio-Cortez	Sarbanes	Thompson (CA)
Omar	Scanlon	Thompson (MS)
Pallone	Schakowsky	Titus
Panetta	Schiff	Tlaib
Pappas	Schneider	Tonko
Pascarella	Schrader	Torres (CA)
Payne	Schrier	Torres (NY)
Perlmutter	Scott (VA)	Trahan
Peters	Scott, David	Trone
Phillips	Sewell	Underwood
Pingree	Sherman	Vargas
Pocan	Sherrill	Veasey
Porter	Sires	Velázquez
Pressley	Slotkin	Wasserman
Price (NC)	Smith (WA)	Schultz
Quigley	Soto	Waters
Raskin	Spanberger	Watson Coleman
Rice (NY)	Speier	Welch
Ross	Stansbury	Wexton
Roybal-Allard	Stanton	Wild
Ruiz	Stevens	Williams (GA)
Ruppersberger	Strickland	Wilson (FL)
Rush	Suozzi	Yarmuth
Ryan	Swalwell	

NAYS—200

Aderholt	Gimenez	Miller-Meeks
Amodei	Gohmert	Moolenaar
Armstrong	Gonzales, Tony	Mooney
Arrington	Gonzalez (OH)	Moore (AL)
Babin	Good (VA)	Moore (UT)
Bacon	Gooden (TX)	Mullin
Baird	Gosar	Murphy (NC)
Balderson	Granger	Nehls
Banks	Graves (LA)	Newhouse
Barr	Graves (MO)	Norman
Bentz	Green (TN)	Obernolte
Bergman	Greene (GA)	Owens
Bice (OK)	Griffith	Palazzo
Biggs	Grothman	Palmer
Billrakis	Guthrie	Perry
Bishop (NC)	Harris	Pfleger
Boebert	Harshbarger	Posey
Bost	Hartzler	Reed
Brady	Hern	Reschenthaler
Brooks	Herrell	Rice (SC)
Buchanan	Herrera Beutler	Rodgers (WA)
Buck	Higgins (LA)	Rogers (AL)
Bucshon	Hill	Rogers (KY)
Budd	Hinson	Rose
Burchett	Hudson	Rosendale
Burgess	Huizenga	Rouzer
Calvert	Issa	Roy
Cammack	Jackson	Rutherford
Carey	Jacobs (NY)	Salazar
Carl	Johnson (LA)	Scalise
Carter (GA)	Johnson (OH)	Schweikert
Carter (TX)	Johnson (SD)	Scott, Austin
Cawthorn	Jordan	Sessions
Chabot	Joyce (OH)	Simpson
Cline	Joyce (PA)	Smith (MO)
Cloud	Katko	Smith (NE)
Clyde	Keller	Smith (NJ)
Cole	Kelly (MS)	Smucker
Comer	Kelly (PA)	Spartz
Crawford	Kim (CA)	Stauber
Curtis	Kustoff	Steel
Davidson	LaHood	Stefanik
Davis, Rodney	LaMalfa	Steil
DesJarlais	Lamborn	Steube
Diaz-Balart	Latta	Stewart
Donalds	LaTurner	Taylor
Duncan	Lesko	Tenney
Dunn	Letlow	Thompson (PA)
Ellzey	Long	Tiffany
Emmer	Loudermilk	Timmons
Estes	Lucas	Turner
Fallon	Luetkemeyer	Upton
Feenstra	Mace	Valadao
Ferguson	Malliotakis	Van Drew
Fischbach	Mann	Van Dwyne
Fitzgerald	Massie	Wagner
Fitzpatrick	Mast	Walberg
Fleischmann	McCarthy	Walorski
Foxx	McCaul	Waltz
Franklin, C.	McClain	Weber (TX)
Scott	McClintock	Webster (FL)
Fulcher	McHenry	Westerman
Gaetz	McKinley	Williams (TX)
Gallagher	Meijer	Wittman
Garbarino	Meuser	Womack
Garcia (CA)	Miller (IL)	Zeldin
Gibbs	Miller (WV)	

NOT VOTING—8

Allen	Guest	Pence
Cohen	Hice (GA)	Wilson (SC)
Crenshaw	Hollingsworth	

□ 1542

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COHEN. Mr. Speaker, I was in a Helsinki Commission hearing. Had I been present, I would have voted "yea" on rollcall No. 117.

Stated against:

Mr. CRENSHAW. Mr. Speaker, I was unavoidably detained in a committee hearing and missed the final vote in the series. Had I been present, I would have voted "nay" on rollcall No. 117.

Mr. PENCE. Mr. Speaker, I was not recorded for roll call vote 117. Had I been present, I would have voted "nay" on rollcall No. 117.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bass (Beyer)	Gomez (Soto)	Owens (Tenney)
Bowman (Evans)	Grijalva	Payne (Pallone)
Cárdenas (Soto)	(Stanton)	Peters (Jeffries)
Castro (TX)	Harder (CA)	Porter (Wexton)
(Correa)	(Correa)	Price (NC)
Cawthorn (Gaetz)	Huffman	(Butterfield)
Clark (MA)	(Stanton)	Roybal-Allard
(Blunt)	Johnson (TX)	(Pallone)
Rocheater	(Jeffries)	Schiff (Beyer)
Comer	Joyce (OH)	Scott, David
(Arrington)	(Garbarino)	(Jeffries)
Connolly	Kahele (Mrvan)	Sires (Pallone)
(Wexton)	Kirkpatrick	Steube (Donalds)
Cooper (Correa)	(Pallone)	Suozzi (Beyer)
Crawford (Long)	Lawson (FL)	Taylor (Jackson)
Crist (Soto)	(Evans)	Wasserman
Cuellar (Correa)	Mfume (Evans)	Schultz (Soto)
Doyle, Michael	Newman (García	Watson Coleman
F. (Evans)	(IL))	(Pallone)

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Adrian Swann, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 3807, RESTAURANT REVITALIZATION FUND REPLENISHMENT ACT OF 2021, AND FOR OTHER PURPOSES

Mr. MORELLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1033 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1033

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3807) to amend the American Rescue Plan Act of 2021 to increase appropriations to the Restaurant Revitalization Fund, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-39, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate

equally divided and controlled by the chair and ranking minority member of the Committee on Small Business or their respective designees; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. MORELLE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Minnesota (Mrs. FISCHBACH), my colleague and friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. MORELLE. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MORELLE. Mr. Speaker, this morning the Rules Committee met and reported a rule, House Resolution 1033, providing for consideration of H.R. 3807, the Relief for Restaurants and other Hard Hit Small Businesses Act of 2022 under a closed rule.

The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Small Business, self-executes a manager's amendment from Chairwoman VELÁZQUEZ, and provides one motion to recommit.

Mr. Speaker, I rise today to urge my colleagues to adopt the rule and support critical funding for restaurants and other small businesses across our Nation.

As we all know, small businesses—especially restaurants—are the backbone of our local economy. Not only for the revenue they bring in, but for the many local workers they employ; families that need their paycheck now more than ever. But sadly, restaurants have been some of the hardest-hit businesses throughout the COVID-19 crisis, and many have struggled to keep their doors open.

Many of us have made a promise to support workers, families, and businesses in their time of need, and that is why we established the Restaurant Revitalization Fund in the American Rescue Plan, which provided \$28.6 billion in emergency assistance to eligible restaurants, bars, and qualifying businesses impacted by the COVID crisis.

This program was clearly a success, providing relief to more than 100,000 restaurants and food and beverage businesses across the Nation. Some recent estimates show the program saved over 900,000 jobs, and 96 percent of recipients said the grant made it more likely they would stay in business.

However, there is no question that our initial investment was not enough. The program ran out of funds in just 3 weeks, as the total funding requested exceeded \$72 billion, far more than the \$28.6 billion provided for in the American Rescue Plan.

This funding gap resulted in 178,000 restaurants who are unable to secure funding in this program, even though they applied to the program and met all of the eligibility requirements. Let me say that again, 178,000 restaurants, many of which are in danger of permanent closure if Congress does not provide them with the relief they need.

The underlying legislation, the Relief for Restaurants and other Hard Hit Businesses Act, would provide for \$42 billion to replenish the Restaurant Revitalization Fund, giving the Small Business Administration the funding necessary to close this funding gap and process the applications of those entities who are deemed eligible in the initial application period, providing a lifeline for the restaurant industry that has faced so many challenges over the past 2 years.

In addition to this critical funding, the underlying legislation also provides \$13 billion for a new Hard Hit Industries Award Program, which will grant much-needed relief to other small businesses across industries and sectors that were the hardest hit by the pandemic but were not eligible for the Restaurant Revitalization Fund or Shuttered Venue Operators Grant program.

This new program would prioritize those eligible small businesses that experience the heaviest pandemic-related losses, beginning with those that lost 80 percent of their revenue.

To pay for both the establishment of the new program and the replenishment of the Restaurant Revitalization Fund, this bill would use funds reclaimed, seized, or returned to the Federal Government from bad actors attempting to defraud previous recovery programs.

Back in October 2020, the Small Business Administration Office of the Inspector General had already identified \$78 billion in potentially fraudulent loans and grants to ineligible entities, and more than 300 individuals have been brought to justice. This legislation also increases oversight and audit requirements, ensuring that this additional support goes to the businesses originally intended to receive assistance.

Mr. Speaker, I have always been an advocate of additional support for the restaurant and hospitality industry, and many of my colleagues on the other side of the aisle have demonstrated support for the Restaurant Revitalization Fund, as well. I hope we continue to see bipartisan support for this effort on the House floor.

I urge all of my colleagues to support the rule and the underlying legislation to deliver critical funding for restaurants and small businesses in communities across the country.

Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I thank the gentleman from New York for yielding me the customary 30 minutes, and, Mr. Speaker, I yield myself such time as I may consume.

Today, we are here to consider a rule providing for consideration of H.R. 3807, the Relief for Restaurants and other Hard Hit Small Businesses Act.

This legislation gives a check to the Small Business Administration without accountability or oversight mechanisms or even taking into account SBA's feedback.

Mr. Speaker, this bill appropriates an additional \$55 billion to restaurants and small businesses, none of which is paid for. According to the Congressional Budget Office, as much as \$340 billion in unobligated funds from various COVID relief legislation is available for expenditure, but we are not reallocating those. Instead, we would be relying on more deficit spending to provide these sums. Structurally, this bill is not going to work. This is a lot of money, and it seems that Democrats just want to throw it to the wind, because when you look at how the funds are being distributed, this bill will not fix the problem. This is something that could have been addressed had the bill gone through the committee process.

Because this bill is not immediately or responsibly paid for, it would further fuel the inflation crisis, which currently sits at a 40-year high of 7.9 percent. Inflation is the number one problem facing small businesses, according to them. That is what they are saying. Instead of pushing through drastic increases of inflation-inducing deficit spending, we must work together to advance pro-growth policies that empower small businesses to operate independently without burdensome restrictions.

I need to point out the political game Democrats are playing this session. They are proposing bills that have titles that make them seem like commonsense bills, but really, they are disingenuous attempts to fix real problems.

This was true of last week's insulin bill, and it is true of this bill. What is worse is they know that they are not coming up with real solutions. That is why we are now looking at yet another bill that has not been through the committee process, there has been no transparency, no opportunity to discuss, no public or minority input, and has real flaws as a result that will only exacerbate the problems my colleagues have created. My Democratic colleagues do not want to negotiate with Republicans or allow any input from anyone to come up with a bill that would actually help people.

It is also why my colleagues did not take up the ENTREE Act, which was introduced last summer, at a time when restaurants really needed it. That bill was also aimed at helping restaurants and small businesses recover from the damage done by the pandemic with proper oversight and constraints and didn't include discriminatory language that prioritized certain groups based on criteria other than need. That eventually, the Supreme Court had to put a stop to.

Now, we need to be focusing on the crises that are going on that are going to become problems for restaurants this year: workforce and inflation. We are still seeing "help wanted" signs all over the country. Businesses are desperate for a workforce. Congress needs to stop paying people to stay at home and encourage them to work. And inflation is hitting every single corner of the economy. Between increasing prices on all goods, and the effects we are already starting to feel in the food industry from the Russian invasion of Ukraine, consumers are going to start feeling the pain. And, unfortunately, when you are trying to save money, going out to eat is not one of the first things a family typically does. We need to be getting ahead of these issues, not coming up with insincere attempts under the guise of COVID relief.

Mr. Speaker, I oppose the rule and the underlying bill, and I ask Members to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. MORELLE. Mr. Speaker, I yield myself such time as I may consume.

I always appreciate hearing from my colleagues and a distinguished member of the Rules Committee, Mrs. FISCHBACH. I do note, however, a couple of things before I yield some time.

The first is that as it relates to how the bill is funded, as I indicated, the inspector general himself, that office, indicated there is \$78 billion in fraudulent claims that are being recouped by the Federal Government. This bill will cost \$42 billion for the Restaurant Revitalization Fund replenishment, another \$13 billion, \$55 billion. There is plenty of money in those reclaimed dollars to be able to pay for this without having to appropriate new dollars. So this actually should be in line with the principles of some of our more conservative Members to have claimed dollars that are owed to the United States and to its taxpayers.

Secondly, as it relates to workforce shortages, and I think we all know in every industry, and the businesses I talk to back home, are struggling to find workers. Yet, I note yesterday in the Education and Labor Committee, of which I am a member, that we didn't get a single Republican vote for the Workforce Innovation and Opportunity Act, WIOA's reauthorization, which will do great things to continue to move people into the workplace as quickly as possible. Yet, we received no support for that.

So we are going to continue to work on these issues here in this Congress. We are going to continue to lead. This majority is going to continue to look out for small businesses, it is going to continue to look out for people looking for work, and it is going to continue to look out for employers who face worker shortages. So we will continue to support this, and I believe this bill will be a great victory for the 178,000 restaurants who desperately need our support.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. DESAULNIER), a fellow member of the Rules Committee.

□ 1600

Mr. DESAULNIER. Mr. Speaker, I want to thank my friend and colleague for yielding. And I also want to thank my distinguished colleagues on both sides for the conversation at the Rules Committee.

I want to speak for a few moments, Mr. Speaker, as somebody who has spent 35 years in the restaurant business, owning and managing restaurants in California, small businesses that were vital to the communities where they were; and how important they are to restart Main Street America in every district; the multipliers of having restaurants open, and the difficulty and the cash flow of a small business like this, and why this initiative is so important.

The Bureau of Labor Statistics estimates that in 2019, there were 12.1 million people employed in the restaurant and food service industry. So many of those people immediately lost their jobs and their incomes with no warning when the pandemic hit. In April of 2020 alone, the restaurant industry lost 5½ million jobs.

Through the American Rescue Plan, we established the Restaurant Revitalization Fund, which provided \$28.6 billion in emergency assistance to eligible restaurants, bars, and qualifying businesses impacted by the pandemic.

Although this program helped more than 100,000 restaurants and food and beverage businesses across the country, in every district, the program received applications of nearly three times the amount of money that it had to give out. We cannot overlook the obvious need.

The Relief for Restaurants and Other Hard Hit Small Businesses Act, H.R. 3807, would inject \$42 billion to allow the Small Business Administration to process the applications of over 150,000 eligible entities that previously applied for relief.

I met and talked to many of my former colleagues in the business who have applied for these funds and they speak very positively about their experience and how helpful it was to get them through the pandemic. It helps these small businesses. Through the pandemic, at least 40 percent of pandemic-related revenue loss was suffered by businesses with fewer than 200 employees.

Again, as a former restaurant owner myself, I have seen how restaurants can bring communities together. We owe it to these local business entrepreneurs, these owners, and millions of workers who depend on this help, to pass this important bill.

Mrs. FISCHBACH. Mr. Speaker, I yield myself such time as I may consume.

I would just like to mention, we continue to talk about whether or not this

is paid for. I respectfully ask: Where is the CBO score? That would answer the question if we actually had done any—put this legislation through any kind of process, through committee, getting the CBO score.

So I would question as to whether or not it was actually all paid for, as my colleague mentions. But I do think that if we had the CBO score, we could decide, finally, if it was paid for or not.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ROY).

Mr. ROY. Mr. Speaker, I thank the gentlewoman for yielding.

I completely agree that we should be trying to help small businesses who have gotten absolutely railroaded and run over by the power of government, which amounts to, essentially, a taking. They have had their livelihoods taken away through the sheer power of government, Federal, State and local. It is absolutely extraordinary.

It is one of the reasons that I worked with my friend, DEAN PHILLIPS, on the other side of the aisle, on the PPP Flexibility Act 2 years ago. I would have preferred we not go down this road; that the government not go down and shut down our economy. But the government did. And I think that amounts to something akin to a taking.

But now, here we sit and, yet again, my colleagues on the other side of the aisle have not met an issue that they can't make worse; and that is what we are faced with right now.

Mr. Speaker, my colleagues are bringing forward a \$55 billion bill which they say is paid for, which is paid for and relies on recaptured, fraudulent relief funds. We have fraudulent relief funds because you just dumped \$2 trillion out in the economy when you came in here and did it by voice vote 2 years ago.

So you have got these fraudulent funds that we may or may not recapture that is, allegedly, what is paying for this. This bill should be fully paid for out of existing COVID money that has not yet been spent. And that is what we are offering as an alternative.

But the real problem that the American people need to understand that my colleagues have got themselves in a pretty vicious box, is because the administration, with the full support of my colleagues here, made the allocation of dollars race-based. They made it criteria-based. And they got slapped down by the court. They got slapped down by the Sixth Circuit.

The Sixth Circuit Court of Appeals found race and sex prioritization was unconstitutional and ordered the Small Business Administration to halt the practice. But most of the funding had been spent. It was underfunded. But most of that funding had been spent.

The court said: "The case is about whether the government can allocate limited coronavirus relief funds based on the race and sex of the applicants. We hold that it cannot."

"The stark realities of the Small Business Administration's racial gerry-

mandering are inescapable." "It is indeed 'a sordid business'. . . . "quoting our Chief Justice John Roberts, " . . . 'a sordid business' to divide 'us up by race.' " "And the government's attempt to do so here violates the Constitution."

That is the real story. I have introduced the Restaurant Revitalization Fund Fairness Act. We have got other bills on this side of the aisle that would pay for it; that would ensure that it won't be race-based; that would make sure that the 177,000 applicants who were left on the outside looking in because of race-based governing by my colleagues on the other side of the aisle, that that would not occur; and that, again—I want to reiterate—should be paid for without relying on the possibility of collecting the fraudulent expenditures.

Mr. MORELLE. Mr. Speaker, I yield myself such time as I may consume.

I want to just reiterate, this is really a simple issue. And there may be attempts to distract from what is a simple issue, but the Office of Inspector General indicated that we had \$78 billion in fraudulent claims. That is an estimate. Some estimates range as high as \$200 billion.

It seems silly to me that we wouldn't take advantage of those dollars which are being reclaimed to continue to try to get relief for the many, many tens of thousands, hundreds of thousands of restaurants and their employees across the country.

And I dare say that when I talk to—I have sat down with many, many restaurant owners in the last several months who had made application, and, simply, didn't have the resources in the fund that we had allocated to get relief, continue to talk to me about this.

So this is really a very, very simple question. I know there are a lot of complicated, nuanced questions around here in Congress that we are always dealing with. This is a simple one: Do we want to help these small businesses, or do we choose not to help them? And I think we would argue here that they very much deserve and merit this support.

Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. ROSS), another distinguished member of the Rules Committee.

Ms. ROSS. Mr. Speaker, I rise today to highlight the urgent need for additional relief for our restaurants.

Since the COVID-19 pandemic began, restaurants in my district and across the country have been at the front line of our battle against COVID-19.

The Restaurant Revitalization Fund offered a vital lifeline at a time when restaurants desperately needed our help. However, the funds quickly ran out, leaving hundreds of thousands of restaurants without any relief, including in my State of North Carolina.

In a cruel twist, many restaurants were approved for funding, but never saw a dime.

For example, Kim Hammer, who owns Bittersweet in Raleigh, was approved for a grant by the Small Business Association. Despite this, Kim still hasn't received any relief and said, "It feels like no one is listening."

Well, we are listening. Every time a new variant emerges and cases surge, the survival of countless restaurants is thrown into jeopardy. As I hear from restaurant owners in my district, they all tell me how essential the restaurant relief program was; but that it simply was not enough.

During the peak surge of the Omicron variant, Cheetie Kumar, the owner of Garland restaurant in Raleigh, said she just hoped she could keep the doors open for both her customers and for her staff.

Jennifer Cramer, the owner of Catalan Taps restaurant in Cary, had to start a GoFundMe campaign to keep her lights on and her employees on payroll.

Mr. Speaker, our fight against this pandemic is not over. It is unacceptable that we would leave the restaurant industry out to dry. Restaurants contribute to the spirit, vibrancy, and success of my community in Wake County, North Carolina, and many communities all across this Nation.

I urge my colleagues to support the rule and the underlying legislation and replenish this fund.

Mrs. FISCHBACH. Mr. Speaker, I yield myself as much time as I may consume.

If we defeat the previous question, I will offer an amendment to the rule to provide for consideration of Congresswoman McMorris Rodgers' and Congressman WESTERMAN's American Energy Independence from Russia Act.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with the extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. CARSON). Is there objection to the request of the gentlewoman from Minnesota?

There was no objection.

Mrs. FISCHBACH. Mr. Speaker, for the fifth time, Republicans ask their colleagues to consider this bill. The average price at the pump two days before President Biden took office was \$2.38 per gallon. They have been steadily climbing ever since.

On February 14, 6 days before the Russian invasion of Ukraine, the average price for per gallon was \$3.49. These prices are affecting every single American.

When adjusted for the increasing prices on all goods, thanks to failed Democrat policies, wages and salaries are below pre-pandemic levels. My constituents are pleading with Congress to focus on this issue and are being ignored by the out-of-touch majority.

Now, for the fifth time, House Republicans are urging the majority to immediately bring relief at the pump

now. While my colleagues continue to bring flawed, misguided, and unvetted legislation to the floor, House Republicans stand ready to work on issues that directly affect American's pocket-books.

To further explain the amendment, I yield 4 minutes to the gentlewoman from Florida (Mrs. CAMMACK).

Mrs. CAMMACK. Mr. Speaker, I thank my colleague and friend from the great State of Minnesota for yielding.

I rise today to defeat the previous question so that we may immediately consider H.R. 6858, Congresswoman McMorris Rodgers' bill, that would strengthen United States energy security, encourage and promote domestic production of crude oil and natural gas, and help return to and solidify American energy independence.

You know, I get asked all the time, why? Why will Congress do nothing to lower the cost of fuel? Why do they continue to talk and do absolutely nothing?

Well, right here—right here is your answer. Today, Republicans stand, for the fifth time, legislation Today, Republicans stand, for the fifth time, legislation in hand, to bring gas prices down and to restart our energy production right here at home; legislation that would make us energy independent, once again, and that would get thousands of Americans back to work; legislation that would be a collective sigh of relief for our seniors, and those on fixed incomes, who are making the decision between gas or groceries. This legislation is the answer, and it is ready to go.

But you know what? My colleagues on the other side of the aisle have already been given vote recommendations by the Speaker of the House to shoot this legislation down. They haven't even read it. They haven't even read it, and they are so blind to and beholden to their radical agenda that they won't consider a commonsense solution to one of the most pressing issues facing all of our collective constituents, these fuel prices.

Again, this is the fifth time that this legislation has been presented, and it is the fifth time that my colleagues on the other side of the aisle have put Russia first and America last.

The average price of gas today is \$4.56 and climbing. For our truckers and farmers who fuel up on diesel, like many in my district, it is costing them well over \$5 a gallon at the pump. In fact, it is \$5.19 today for a gallon of diesel.

All across our country, Americans, regardless of party, are making decisions, again, between gas in the tank or groceries in the fridge. Folks are canceling their first road trip with their family in 2 years, or visits to grandparents, because Biden has decided that Americans who put fuel in their own gas tanks and shop for their own groceries, they are not the priority.

□ 1615

In fact, just 17 hours ago, the Biden administration was more concerned with presenting former President Barack Obama with a ceremonial pen than talking about how we are going to bring down fuel prices in this country. You want to talk about out of touch. There it is in a nutshell.

This is the Biden energy policy: soaring prices that hurt hardworking Americans and increasing reliance on foreign countries to meet our energy needs.

We know that America's future will not be realized by sunshine and pinwheels. We will realize it by boosting domestic production and ending our dependence on countries that don't have our best interests in mind. Heck, they don't even like us.

I have spoken to foresters and farmers in my district who have told me that energy costs alone are driving them out of operation and out of business. To illustrate this, one of the top timber producers in my own district said he is spending \$18,000 more a week on fuel costs alone. If this continues, he will be suspending operations, all because this administration has issued our domestic energy industry a death sentence. That happened even before they took office.

This Biden energy plan, or lack thereof, is ruining the financial hopes and dreams of hardworking Americans and destroying farmers, foresters, families, ranchers, and small businesses.

We know that we can put an end to this energy crisis. We know we can, but instead, we are focused on ceremonial pens and issues that do not matter to the American people.

It is long past time that we end this energy crisis and put American energy security and independence at the top of the priority list. I stand before this body and the American people to say that we, too, have had enough.

Mr. Speaker, I urge my colleagues to defeat the previous question so we can immediately bring Congresswoman McMorris Rodgers' legislation to the floor.

Mr. MORELLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, frankly, I am a little perplexed. I think when I get home and talk to my restaurant owners, they are going to say: Why were you having a conversation about something not related to the restaurant revitalization act?

I will explain to them that as much as I would like to get into a conversation about how Putin's aggressive actions in Ukraine have affected gas prices around the world, as much as I would like to have the conversation about oil companies that have decided to continue to reap record profits and not increase supply to meet the demand around the world, as much as we can talk about all those things, that is not why we are here today. We should have that conversation in an appropriate venue.

This conversation and the venue right now that we are in is to talk about the Restaurant Revitalization Fund. It is to talk about the 178,000 restaurants owned by Republicans, Democrats, and Independents all across America in every single district that we have the privilege of representing.

Every single district has restaurants, and that is what we are here to talk about: how to get relief into the hands of those individuals who, for 2 years, have struggled under the most difficult economic circumstances any of us could ever imagine.

Let's make sure we keep our eye on the ball. Let's continue to focus on the question in front of the House.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. SCANLON), my friend and distinguished member of the Rules Committee.

Ms. SCANLON. Mr. Speaker, in southeastern Pennsylvania, and in cities and towns across the country, restaurants are an essential cornerstone of our local communities and our regional economies. These restaurants were hard-hit by the pandemic.

Despite the excellence of their cuisine, over the past 2 years, many independent restaurants in Philly, Delaware County, and Montgomery County struggled to stay in business, and some permanently shuttered.

The Restaurant Revitalization Fund, passed as part of the American Rescue Plan, was a lifeline for the restaurants that received it. The program provided grants targeted to the hardest-hit restaurants, giving restaurant operators financial relief to keep their doors open and keep people employed.

The funds weren't enough to match the need. I have heard it from my constituents, and everybody who is listening has heard it from their constituents. While roughly 300,000 restaurants applied for aid, only about 100,000 received grants.

For months, I have joined Representative BLUMENAUER and my colleagues in calling to replenish the Restaurant Revitalization Fund, using only funds recouped from fraudulent claims that have been made in earlier small business relief programs. The Relief for Restaurants and other Hard Hit Small Businesses Act will provide additional financial support to restaurants and small businesses in the industries that are still grievously affected by the coronavirus pandemic.

Mr. Speaker, I am glad this needed bill is getting a vote on the floor. I strongly support the rule and its underlying legislation, and I urge all of my colleagues to recognize that this issue is still before us and to do the same.

Mrs. FISCHBACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate that my colleague from New York would love to have the conversation, would love to have the conversation in the appropriate venue, and I think we would also

love to have that conversation, particularly in a committee if we could hear the bill. But the majority has chosen to shut out almost every single Republican bill and not hold hearings where that would be the appropriate venue.

For now, I suggest to my colleague from New York that he talk to his leadership about actually hearing this bill in committee, having the conversation, and having the transparency and the input that we could from the public. Until that time, Mr. Speaker, this is our venue.

Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CARL).

Mr. CARL. Mr. Speaker, I rise in opposition to the previous question so we can amend the rules to immediately consider H.R. 6858, the American Energy Independence from Russia Act.

My friends from the other side of the aisle want to talk about restaurants, and restaurants are very important, but understand that when families can't put fuel in their tank, they certainly cannot afford to eat in a restaurant.

We have to get our priorities straight. Yes, we are bringing them up now because we cannot get our bills to the floor. We cannot get our message out.

This is the fourth time the Republicans have tried to bring this bill up for a vote, and each time, the Democrats have refused.

Families are suffering as rising fuel costs are making everything much, much more expensive, including bread, clothes, and everything, including meals at our restaurants.

President Biden's so-called solutions do nothing to fix the problems. Tapping into our strategic reserves will do almost nothing to bring prices down. All it does is risk our reserves and endanger our national security.

This administration is signaling to the oil and gas companies that they are going to come after them.

Big Government needs to get out of the way. Get out of the way of the businesses, and let the businesses run themselves.

For example, where I am from on the Gulf Coast, the Department of the Interior has allowed one lease sale in the past year and a half. Under Trump, we had two a year. We had the one sale that I am talking about in a year and a half.

The Biden administration refuses to uphold the law of two per year, even though the courts struck down the one that he had. He refuses to challenge that to get those lease bids acknowledged.

Biden, what he has said is a lie. I am sorry, it is an outright lie about what the drilling companies are. There are so many rules and regulations on the drilling companies. I understand it. We have to get the foot of the government off the back of the necks of our drilling companies.

Let's save this country. Let's don't give it away to Russia. Let's don't give

it away to Venezuela. Let's stand firm and be Americans, both sides of the aisle here. I am sorry, I will cool off here on this one.

Republicans have a real solution to get American energy back on the market and get prices down. This bill will restart the Keystone XL; it will end the moratorium; and it will boost the LNG exports.

Mr. Speaker, I urge a "no" vote on the previous question.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. MORELLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to just correct the record as it relates to the Energy and Commerce Committee. I think, just this morning, the committee held a hearing with the heads of oil companies, multinational oil companies, to bring them in to talk about why they refuse to increase supply, which would bring down the costs.

I didn't do exceptionally well in economics when I was in the State University of New York, but I do remember the old supply and demand issue. When demand is high and supply is low, prices rise. We are going to continue to work and push and urge those companies to increase supply to meet demand and bring the costs down.

There is not much we can do about what is going on in Ukraine, although we are desperately trying to help our brothers and sisters there defend their democracy, which has had an incredible impact on gas prices.

Let me also remind everyone who is tuning in, who is watching what is going on, that the issue before the House of Representatives today, the rule that is being considered, is dealing with the difficulties that have been faced by restaurants across this country during the pandemic, which has now lasted for nearly 2 years: the displacement of workers and the impact that it has had on communities all across this country. We are striving to achieve a solution here that will be good for everyone across all 50 States and these small businesses that continue to be the backbone of our local economies.

Mr. Speaker, I have been very grateful for the leadership of Mr. BLUMENAUER, who has led the charge on this issue for some time now. I think I have probably bothered him dozens of times to ask what we can continue to do to advance his efforts, and he has continued to provide leadership.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER), the sponsor of this bill.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy and I appreciate his leadership and tenacity in terms of trying to help our beleaguered neighborhood restaurants.

Mr. Speaker, our friends on the other side of the aisle—even if they got their dream piece of legislation—would not

make any difference on the price of gasoline this year or next year. We are dealing with global supply. One of the things that will make a difference to break the grip that we have with the oligarchs and the sheikhs is being able to deal with renewable energy that is not going to hold us hostage.

We have seen remarkable progress that is made. I am sad that our friends on the other side of the aisle have been resistant to these innovations in terms of solar, wind, electrification, the things that will really make a difference today and tomorrow and help fight the crisis that we face with climate change and global warming.

This legislation will make a difference to 177,000 small neighborhood restaurants and other distressed businesses. From the beginning of the COVID-19 pandemic, these neighborhood facilities have been the hardest hit. You have heard already that they were subject to over 4 million jobs lost in the first few months of the pandemic.

The unemployment in the restaurant industry remains stubbornly high, and approximately 90,000 restaurants have permanently closed since the start of the pandemic. We have heard from countless others that are teetering on the edge.

Restaurants are the cornerstone of a livable community. They have employed nearly 60 percent of Americans at some point in their career. I would venture to say that many of us on the floor of the House have had that experience. They are a major source of employment for people of color and women, and they support a \$1 trillion supply chain from farm to table.

The Federal Government has provided help for those institutions through the Restaurant Revitalization Fund, a program based on my RESTAURANTS Act that I introduced in June of 2020, but the program was oversubscribed and underfunded. Only one-third of all applicants were funded, leaving 177,000 hanging in the balance.

The relief for restaurants and other hard-hit small businesses will finish that job. More than 235 Members of the House are cosponsors of this legislation, the RESTAURANTS Act, including two dozen of my Republican colleagues.

My legislation will provide \$42 billion to help fund those restaurants that had not previously received awards finishing everybody who is in line.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MORELLE. Mr. Speaker, I yield an additional 1 minute to the gentleman from Oregon.

□ 1630

Mr. BLUMENAUER. The legislation provides \$13 billion for a separate industry neutral fund for small businesses that have been disproportionately hard hit by the pandemic, such as live events, travel, hospitality, and fitness. We have all heard from them in our Districts.

Finally, the legislation extends the period of time that Shuttered Venue Operators Grants can be spent to harmonize it with the Restaurant Revitalization Fund.

Best of all, this bill can be paid for with fraudulent pandemic relief funds that are recovered.

Mr. Speaker, it is time for us to finish the job protecting our neighborhood restaurants and other distressed businesses. I am proud to have sponsored this. I deeply appreciate the broad bipartisan support in the House and the Senate, and I hope we will enact it today. I support the rule.

Mrs. FISCHBACH. Mr. Speaker, with all due respect, restaurants and small businesses are facing difficulties, and one of those challenges is high energy costs. Delivery costs go up. It costs more for their employees to get to work. It costs more for all of those things because of high energy costs. So this does affect restaurants and small businesses. I think this affects restaurants, small businesses, and every American.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. OBERNOLTE).

Mr. OBERNOLTE. Mr. Speaker, I rise to oppose the previous question so that we can immediately consider the American Energy Independence from Russia Act.

Mr. Speaker, last night I held a town-hall with over 2,000 of my constituents.

Do you know what was top of mind to those people?

It was not the previous question. It was energy prices in America, and particularly, the price of fuel.

Mr. Speaker, it was heartbreaking to hear from constituent after constituent who said that they were unable to afford the energy required to get to work and back just to put food on the table for their families. Mr. Speaker, you can imagine how embarrassing and heartbreaking it was for me to have to admit to my constituents that the reason for those high energy prices was the actions of their very own government.

Mr. Speaker, since the beginning of the current administration, there has been a concerted effort to constrain the supply of energy produced here in America. What we have is a classic problem of supply and demand. We don't have enough supply, and yet this administration in its very first week issued an executive order completely halting the issuance of new gas and oil exploration permits on Federal lands in this country. It issued an executive order stopping the Keystone XL pipeline. Mr. Speaker, that pipeline alone, if it were in operation today, would allow us to import more than enough oil to completely offset our oil imports from Russia.

The tragic thing about this situation is that the administration is doing this out of the mistaken belief that it will make the planet greener. But nothing could be further from the truth. We

produce energy more cleanly here in America than any other country on Earth.

So when we take actions that require us to import more oil from places like Venezuela, which has a 50 percent higher lifecycle greenhouse gas emission per barrel of oil than oil produced here in America, and when we increase oil imports from places like Russia that still utilize dirty practices like methane flaring—things we haven't done here in years—we are actually increasing global greenhouse gas emissions.

Mr. Speaker, if we increase energy production here, not only will we lower prices for our constituents who are suffering, and not only will we increase our national security, but we will also make our planet a cleaner place.

Mr. Speaker, I urge immediate consideration of the American Independence from Russia Act.

Mr. MORELLE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the manager for yielding, and I thank him for his leadership. I thank, of course, the chairwoman of the Small Business Committee, Mr. BLUMENAUER, and the many supporters who have provided support for this legislation.

I am hoping that as my colleagues begin to see the light, that they will understand that it will be far worse for all of the employees who are in restaurants that may close that they will not even be employed to think about paying for any gas prices no matter how much they might be.

I stand with them to ensure that inflation goes down and that we respond to gasoline prices. But they are not clear in what we are doing today. We are helping small and hard-hit businesses—sole proprietors, independent contractors, and businesses that are not over 200 employees—to keep these employees who have suffered from the devastation of the pandemic.

We are doing more. We are not spending an extra penny because we are capturing those dollars from those who fraudulently used dollars before. So we are making good on our promise to spend the American tax dollars correctly. We are having a data collection. We are going to have oversight on this particular program to ensure that it is spent effectively.

We are going to respond, if you will, to the needs of the mom and pops, the really oldest and distinguished restaurants like This is It in Houston, Texas; Burns Original BBQ; and J&J; as people who have stood the storm yet, have kept employees but that didn't know whether they could keep their doors open.

This is an important and vital piece of legislation. I support the underlying legislation, which is the bill that deals with relief for restaurants and other hard-hit small businesses and the underlying rule.

Don't you get it?

We are keeping businesses open and keeping people employed. That is what we are doing today. Support the rule and the underlying bill.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of the rule to consider H.R. 3807, the "Relief for Restaurants and Other Hard Hit Small Businesses Act of 2022," which provides \$70.6 billion in FY2022 for the Restaurant Revitalization Fund.

Mr. Speaker, I am pleased that this committee is reconsidering this critical piece of legislation for America's restaurant owners. The American Rescue Plan made great progress in providing the funding in an equitable manner, prioritizing women, veteran, and economically and socially disadvantaged restaurant owners. In addition, the majority of funds were reserved for restaurants whose gross receipts were no more than \$1,500,000 dollars.

It is essential to promote equity through the Restaurant Revitalization Fund Mr. Speaker, considering that only 8 percent of restaurants are owned by blacks and 23.8% of Asian owned businesses are restaurants. As legislators we must do everything we can to ensure their survival.

To underscore the personal importance this funding holds to me, I would like to mention a widely loved, black owned, and historic Third Ward restaurant: Cream Burger.

Cream Burger sits on the corner of Elgin and Scott and has been in operation for 60 years. It is a cash only restaurant that has only had two additions to the menu across the entirety of its existence: chili cheese fries and bacon.

The Greenwood family has been serving the residents of the Third Ward their delicious burgers and homemade ice cream for decades and has no plans of closing any time soon.

The original owners of the restaurant, Verna and Willie Greenwood, opened the restaurant to generate their own income and create generational wealth, which they certainly have done. Ever since their tragic passing, the business is now owned and operated by their daughters, Beverly and Sandra.

Beverly and Sandra hope to pass the business onto the next generation of children so they can, "see it through. Maybe 100 years," Beverly said.

The restaurant sees a range of Third Ward customers every day, from the students at the University of Houston to the cashiers working at the historic Houston Food Mart just down the street.

Cream Burger is iconic in the city of Houston, and I hold it in the highest reverence. It, and so many restaurants like it, is one of those restaurants that would receive funds from this legislation.

It is for that reason Mr. Speaker I support the rule to consider H.R. 3807, the "Relief for Restaurants and other Hard Hit Small Businesses Act of 2022." It will help save so many businesses like the beloved Cream Burger, so I urge my colleagues to support the rule as well.

Mrs. FISCHBACH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Iowa (Mrs. MILLER-MEEKS).

Mrs. MILLER-MEEKS. Mr. Speaker, I thank my colleague for yielding me time to speak on this critical issue.

Mr. Speaker, I urge all of my colleagues to defeat the previous question

so we can take up H.R. 6858, the American Energy Independence from Russia Act. This commonsense legislation introduced by Representatives MCMORRIS RODGERS and WESTERMAN would require President Biden to submit an energy security plan to Congress to evaluate U.S. oil and natural gas imports, identify importing countries that pose an energy security risk to America, and encourage domestic production of oil and natural gas to offset imports from Russia.

In fact, in contrast to our colleague's statement, Iowa is a leader in renewable energy. Fifty percent of our energy comes from renewable sources. We even pay restaurants for their unused and old cooking oil. We are an energy exporter, and it is all done without a government mandate. All of the oil imported from Russia could be offset by ethanol made from corn in Iowa.

In order for the U.S. to become energy independent and secure, we must have an all-of-the-above energy policy. We must unleash our natural resources and produce our own clean, efficient energy here at home to ensure low energy prices and promote American jobs in our communities.

Rather than promoting policies that hamper U.S. energy production and ceding security to adversarial nations like Russia, Iran, and Venezuela, we should promote exploration here at home and unleash our potential. We must ensure that the current ban on Russian energy is sustainable by prioritizing U.S. energy production, including biofuels.

Just last week, the President released a budget proposal that included \$45 billion on new taxes on domestic energy production. This comes on top of other disastrous decisions over the past year and a half such as those that halt the Keystone XL pipeline and the current delay over the 5-year program for offshore energy leasing in the Gulf of Mexico. These policies are not working for hardworking American families and businesses who are dealing with high inflation and skyrocketing gas prices.

The American Independence from Russia Act would immediately approve the Keystone XL pipeline, remove restrictions on U.S. LNG exports, restart oil and gas leasing on Federal lands and waters, and protect energy and mineral development. These are key steps we can take to promote U.S. energy security, and we must take action now.

For this reason, I urge all of my colleagues to vote "no" on the previous question. Support H.R. 6858 to make America energy independent and secure by voting "no" on the previous question.

Mr. MORELLE. Mr. Speaker, I will say this, that I suspect when, hopefully, this bill becomes law and we have helped save the 178,000 restaurants around this country that a number of my colleagues on the other side of the aisle will be taking credit

for it. I hope many of them vote for it despite their unwillingness to really have a conversation about it today and to talk about extraneous issues.

Before I reserve the balance of my time, I include in the RECORD a January 24, 2022, article from CNBC entitled "National Restaurant Association asks Congress for more grant money as omicron hits industry."

[From CNBC, Jan. 24, 2022]

NATIONAL RESTAURANT ASSOCIATION ASKS CONGRESS FOR MORE GRANT MONEY AS OMICRON HITS INDUSTRY

(By Amelia Lucas)

The National Restaurant Association is asking Congress to replenish the Restaurant Revitalization Fund as the Covid omicron variant hits operators' businesses.

Last year, lawmakers created the \$28.6 billion fund to aid bars and restaurants struggling in the wake of the pandemic. The grants were designed to make up for a restaurant's full pandemic losses of up to \$5 million for a single location or \$10 million for a business with fewer than 20 locations. Publicly traded companies were ineligible, but their franchisees could still apply.

Since the fund was depleted, restaurants have been pushing for Congress to replenish it. Several lawmakers have introduced legislation to do so, but the bills haven't gained traction, and the Biden administration hasn't appeared interested in supporting the measures.

But the latest surge in Covid-19 cases and its impact on restaurants could change minds.

The National Restaurant Association's latest survey of operators found that 88% of restaurants saw indoor dining demand wane because of the omicron variant. More than three-quarters of respondents told the trade group that business conditions are worse now than three months ago. And the majority of operators said their restaurant is less profitable now than it was before the pandemic.

"Alarmingly, the industry still hasn't recreated the more than 650,000 jobs lost early in the pandemic, a loss 45 percent more than the next closest industry," the trade group's top lobbyist, Sean Kennedy, wrote in a letter to congressional leadership for both parties.

Kennedy also touted the benefits of the first round of RRF grants. The trade group estimates that more than 900,000 restaurants jobs were saved by the initial round of funding, and 96 percent of recipients said the grant made it more likely they could stay in business. A full replenishment of the fund would save more than 1.6 million jobs, according to the trade group's estimates.

Mr. MORELLE. Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I appreciate that my colleague from New York talks about an extraneous issue. But gas prices and the cost of energy in America is a serious issue, and it is facing every American. Every American is paying more at the pump, and they are facing the decision in their family budget of how they are going to use that.

In 2020, the last administration added 30 million barrels of oil to the Strategic Petroleum Reserve. Now the Biden administration is weighing a plan to release roughly 1 million barrels of oil a day from this reserve for months on end, and this is after he released 30 million barrels in early March

and 50 million barrels of oil back in November which did nothing to prevent a spike in energy prices.

Congresswoman MCMORRIS RODGERS and Congressman WESTERMAN have introduced the American Energy Independence Act to reverse President Biden's disastrous anti-American energy policies. This bill is a real solution, and it needs to be heard. We need to talk about this to the American people.

This bill, H.R. 3807, that we have before us is not going to help restaurants and small businesses. But, of course, that is not the Democrats' intention anyway. If it were, they would have brought this bill through committee and worked with Republicans to build an effective piece of legislation.

Instead, their intention is to push this legislation through that sounds good so that they can use it as a talking point to distract from their failed policies. This bill is just another example of the Democrats' reckless spending habits. Their solution to the effects of inflation is to throw even more money at it.

When will my colleagues learn that spending is what causes the inflation?

It is time for more pro-growth policies, not government handouts.

Mr. Speaker, I oppose the rule and the underlying bill, I ask Members to do the same, and I yield back the balance of my time.

Mr. MORELLE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first let me thank my colleague and friend, Mrs. FISCHBACH. We spend a lot of time together in the Rules Committee, and I always appreciate our conversations. While we may not agree on issues from time to time, I always appreciate her earnestness, and I appreciate her good work.

I want to thank all of my colleagues for their words in support of the rule before us today.

As I mentioned earlier, Congress acted last year to provide much-needed relief for restaurants and other small businesses, but we must do much more. Our economy simply cannot survive without small businesses, and it is paramount that we redouble our commitment to ensuring their continued success.

I pledge to always be an ally in that fight, and I know my colleagues join me in that. I look forward to voting in favor of this effort to bring much-needed relief to local restaurants and the small business community.

The material previously referred to by Mrs. FISCHBACH is as follows:

AMENDMENT TO HOUSE RESOLUTION 1033

At the end of the resolution, add the following:

SEC. 2. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the bill (H.R. 6858) to strengthen United States energy security, encourage domestic production of crude oil, petroleum products, and natural gas, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read.

All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 6858.

Mr. MORELLE. Mr. Speaker, I urge a "yes" vote on the rule and the previous question, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. FISCHBACH. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

□ 1645

RECOMMENDING THAT THE HOUSE OF REPRESENTATIVES FIND PETER K. NAVARRO AND DANIEL SCAVINO, JR., IN CONTEMPT OF CONGRESS

Mr. THOMPSON of Mississippi. Mr. Speaker, by direction of the Select Committee to Investigate the January 6th Attack on the United States Capitol, I call up the report (H. Rept. 117-284) and accompanying resolution recommending that the House of Representatives find Peter K. Navarro and Daniel Scavino, Jr., in contempt of Congress for refusal to comply with subpoenas duly issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, and ask for its immediate consideration.

The Clerk read the title of the report.

The SPEAKER pro tempore. Pursuant to House Resolution 1023, the report is considered read.

The text of the report is as follows:

The Select Committee to Investigate the January 6th Attack on the United States Capitol, having considered this Report, reports favorably thereon and recommends that the Report be approved.

The form of the Resolution that the Select Committee to Investigate the January 6th Attack on the United States Capitol would recommend to the House of Representatives for citing Peter K. Navarro and Daniel Scavino, Jr., for contempt of Congress pursuant to this Report is as follows:

Resolved, That Peter K. Navarro and Daniel Scavino, Jr., shall be found to be in contempt of Congress for failure to comply with congressional subpoenas.

Resolved, That pursuant to 2 U.S.C. §§ 192 and 194, the Speaker of the House of Representatives shall certify the report of the Select Committee to Investigate the January 6th Attack on the United States Capitol, detailing the refusal of Peter K. Navarro to produce documents or appear for a deposition before the Select Committee to Inves-

tigate the January 6th Attack on the United States Capitol as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Navarro be proceeded against in the manner and form provided by law.

Resolved, That pursuant to 2 U.S.C. §§ 192 and 194, the Speaker of the House of Representatives shall certify the report of the Select Committee to Investigate the January 6th Attack on the United States Capitol, detailing the refusal of Daniel Scavino, Jr., to produce documents or appear for a deposition before the Select Committee to Investigate the January 6th Attack on the United States Capitol as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Scavino be proceeded against in the manner and form provided by law.

Resolved, That the Speaker of the House shall otherwise take all appropriate action to enforce the subpoenas.

PURPOSE AND SUMMARY

On January 6, 2021, a violent mob attempted to impede Congress's constitutional and statutory mandate to count the electoral votes in the 2020 Presidential election and launched an assault on the United States Capitol Complex that resulted in multiple deaths, physical harm to more than 140 members of law enforcement, and terror and trauma among staff, institutional employees, and press. In response, the House adopted House Resolution 503 on June 30, 2021, establishing the Select Committee to Investigate the January 6th Attack on the United States Capitol (hereinafter referred to as the "Select Committee").

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the interference with the peaceful transfer of power, in order to identify and evaluate problems and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. This inquiry includes examination of the factors that influenced, instigated, or contributed to the attack and how various individuals and entities coordinated their activities leading up to the attack.

PETER K. NAVARRO

According to published reports, Peter K. Navarro, a White House trade advisor, worked with Stephen K. Bannon and others to develop and implement a plan to delay Congress's certification, and ultimately change the outcome, of the November 2020 Presidential election. In November 2021, Mr. Navarro published *In Trump Time*, a book in which he described this plan as the "Green Bay Sweep" and stated that it was designed as the "last, best chance to snatch a stolen election from the Democrats' jaws of deceit."¹ In a later interview about his book, Mr. Navarro added that former-President Trump was "on board with the strategy," as were more than 100 Members of Congress.² Previously, Mr. Navarro had publicly released on his website a three-part report, dubbed "The Navarro Report," repeating many claims of purported fraud in the election that have been discredited in public reporting, by State officials, and by courts.³

On February 9, 2022, Chairman BENNIE G. THOMPSON signed a subpoena for documents and testimony and transmitted it along with a cover letter and schedule to Mr. Navarro.⁴ The subpoena required that Mr. Navarro produce responsive documents not later than February 23, 2022, and that Mr. Navarro appear for a deposition on March 2, 2022.

When Select Committee staff emailed Mr. Navarro on February 9, 2022, asking whether he would accept service and had an attorney, Mr. Navarro replied only: "yes. no counsel.

Executive privilege[.]”⁵ Select Committee staff then emailed the subpoena to Mr. Navarro. Within hours of receiving the subpoena, Mr. Navarro released a public statement that clearly indicated he had no intention of complying with the Select Committee’s subpoena while also acknowledging that he had already publicly released information that is relevant to the Select Committee’s investigation in his book:

President Trump has invoked Executive Privilege; and it is not my privilege to waive. [The Select Committee] should negotiate any waiver of the privilege with the president and his attorneys directly, not through me. I refer this tribunal to Chapter 21 of *In Trump Time* for what is in the public record about the Green Bay Sweep plan to insure [sic] election integrity[.]⁶

Mr. Navarro also appeared on national television on February 10, 2022, discussing subjects that were the focus of the Select Committee’s subpoena to him.⁷

On February 24, 2022, Select Committee staff contacted Mr. Navarro via email about his failure to produce documents by the February 23rd deadline in the subpoena. In the same email, staff reminded Mr. Navarro about the date for his deposition and notified him of its location within the U.S. Capitol campus. Staff also requested that Mr. Navarro contact the Select Committee for further details about the deposition or, alternatively, to notify the Select Committee if he did not plan to appear for deposition testimony.⁸

On February 27, 2022, Mr. Navarro contacted Select Committee staff and said that “President Trump has invoked [e]xecutive [p]rivilege in this matter; and it is neither my privilege to waive or Joseph Biden’s privilege to waive.”⁹ Mr. Navarro did not provide any evidence that former-President Trump had ever invoked executive privilege with respect to any documents in Mr. Navarro’s personal possession or any testimony that Mr. Navarro could provide. Select Committee staff responded the same day and explained that there are areas of inquiry that do not implicate “any executive privilege concerns at all.”¹⁰ Select Committee staff further informed Mr. Navarro that he could make executive privilege objections during his deposition and that he must do so on a “question-by-question basis” to “enable the Select Committee to better understand [his] objections and, if necessary, take any additional steps to address them.”¹¹ Select Committee staff then asked Mr. Navarro again whether he intended to appear for his deposition on March 2, 2022, as required by the subpoena.

Later the same day, Mr. Navarro responded to the Select Committee’s email correspondence. Instead of saying whether he intended to appear for his deposition, Mr. Navarro asked: “Will this event be open to the public and press?”¹² Select Committee staff responded that it would not be open to the press, that it would be a “staff-led deposition, which members of the Select Committee may also join and in which they may participate.”¹³ Select Committee staff asked about Mr. Navarro’s document production and offered to find a new date for the deposition “within a reasonable time” if Mr. Navarro had a scheduling conflict on March 2d.¹⁴ Mr. Navarro did not respond to that offer but, the next day, sent the Select Committee an email saying that he had “been clear in my communications on this matter” and that “it is incumbent on the Committee to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.”¹⁵

On February 28, 2022, the White House Counsel’s Office issued a letter to Mr. Navarro regarding the Select Committee’s

subpoena. That letter stated: “[I]n light of the unique and extraordinary nature of the matters under investigation, President Biden has determined that an assertion of executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee.”¹⁶ The letter further noted that “President Biden accordingly has decided not to assert executive privilege” with respect to the testimony of Mr. Navarro “regarding those subjects,” or with respect to “any documents [he] may possess that bear on them.” Further, the letter stated: “For the same reasons underlying his decision on executive privilege, President Biden has determined that he will not assert immunity to preclude [Mr. Navarro] from testifying before the Select Committee.”¹⁷

On March 1, 2022, Select Committee staff sent another email to Mr. Navarro about his appearance for testimony as required by the subpoena. Once again, Select Committee staff reminded Mr. Navarro that “there are topics that the Select Committee believes it can discuss with [him] without raising any executive privilege concerns at all, including, but not limited to, questions related to [his] public three-part report about purported fraud in the November 2020 election and the plan [he] described in [his] book called the ‘Green Bay Sweep.’”¹⁸ Select Committee staff told Mr. Navarro, again, that if there were any “specific questions that raise[d] executive privilege concerns, [he could] assert [his] objections on the record and on a question-by-question basis.”¹⁹ Select Committee staff also provided Mr. Navarro with information regarding the time and location of his deposition.

Mr. Navarro did not respond to the March 1st email from Select Committee staff. He has failed to produce documents or appear for his scheduled deposition by the deadlines in the February 9, 2022, subpoena.²⁰

Rather than appear for his deposition or respond directly to the Select Committee, Mr. Navarro issued a public statement regarding his deposition.²¹ Mr. Navarro predicted that his interactions with the Select Committee would be judged by the “Supreme Court, where this case is headed[.]”²² Mr. Navarro, however, never filed any case seeking relief from his responsibilities to comply with the Select Committee’s subpoena.

In *United States v. Bryan* (1950), the Supreme Court emphasized that the subpoena power is a “public duty, which every person within the jurisdiction of the Government is bound to perform when properly summoned.”²³ The Court recently reinforced this clear obligation by stating that “[w]hen Congress seeks information needed for intelligent legislative action, it unquestionably remains the duty of *all* citizens to cooperate.”²⁴

The contempt of Congress statute, 2 U.S.C. § 192, makes clear that a witness summoned before Congress must appear or be “deemed guilty of a misdemeanor” punishable by a fine of up to \$100,000 and imprisonment for up to 1 year.²⁵ Mr. Navarro’s refusal to comply with the Select Committee’s subpoena in any way represents willful default under the law and warrants referral to the United States Attorney for the District of Columbia for prosecution for contempt of Congress as prescribed by law.

DANIEL SCAVINO, JR.

According to many published reports, Daniel Scavino, Jr., a long-time employee of former-President Trump, was responsible for social media and communications strategy for the former President, including with respect to the Trump Campaign’s post-election efforts to challenge the 2020 election results. Mr. Scavino worked with Mr. Trump as part

of the then-President’s campaign to reverse the election results. This campaign included, among other things, spreading false information via social media regarding alleged election fraud and recruiting a crowd to Washington for the events of January 6th. Mr. Scavino reportedly attended several meetings with then-President Trump in which challenges to the election were discussed. Mr. Scavino also tracked social media on behalf of former-President Trump, and he did so at a time when sites reportedly frequented by Mr. Scavino suggested the possibility of violence on January 6th. The Select Committee therefore has reason to believe that Mr. Scavino may have had advance warning about the potential for violence on January 6th.

Mr. Scavino did not only work as a White House official. He separately promoted activities designed to advance Mr. Trump’s success as a Presidential candidate. He continued to do so after the 2020 election, promoting activities designed to reverse the outcome of a lost election.

Mr. Scavino’s public statements and reported conduct make clear the relevance of his testimony and documents for the Select Committee’s investigation.

On October 6, 2021,²⁶ Chairman THOMPSON signed a subpoena for documents and testimony and transmitted it along with a cover letter and schedule to Mr. Scavino.²⁷ On October 8, 2021, U.S. Marshals served this subpoena at Mar-a-Lago. Mr. Scavino’s reported place of employment, to Ms. Susan Wiles, who represented herself as chief of staff to former-President Trump and as authorized to accept service on Mr. Scavino’s behalf.²⁸ The subpoena required that Mr. Scavino produce responsive documents not later than October 21, 2021, and that Mr. Scavino appear for a deposition on October 28, 2021. Subsequent communications between counsel for Mr. Scavino and Chairman THOMPSON, however, did not result in Mr. Scavino’s agreement to appear for testimony or produce documents.

Attempting to reach an accommodation with Mr. Scavino, Chairman THOMPSON granted multiple extensions for the deposition and production of documents:

- Per Mr. Scavino’s request for an extension, the Chairman deferred the document production deadline to October 28, 2021, and the deposition to November 4, 2021.²⁹
- Per Mr. Scavino’s request for an extension, the Chairman again deferred the document production deadline to November 4, 2021, and the deposition to November 12, 2021.³⁰
- Per Mr. Scavino’s request for an extension, the Chairman deferred the document production deadline to November 5, 2021.³¹
- Per Mr. Scavino’s request for an extension, the Chairman deferred the document production deadline to November 15, 2021, and the deposition to November 19, 2021.³²
- The Chairman extended the document production deadline to November 29, 2021, and the deposition to December 1, 2021.³³
- Following the U.S. Supreme Court’s denial of a stay in *Trump v. Thompson*, the Chairman offered Mr. Scavino an additional opportunity to indicate his intent to cooperate with the investigation and comply with the subpoena by February 8, 2022.³⁴

Despite all these extensions, to date, Mr. Scavino has not produced a single document, nor has he appeared for testimony.

On March 15, 2022, the White House Counsel’s Office issued a letter to Mr. Scavino’s attorney regarding the Select Committee’s subpoena. That letter stated, “President Biden has determined that an assertion of

executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee.”³⁵ Further, “President Biden accordingly has decided not to assert executive privilege as to Mr. Scavino’s testimony regarding those subjects, or any documents he may possess that bear on them. For the same reasons underlying his decision on executive privilege, President Biden has determined that he will not assert immunity to preclude [Mr. Scavino] from testifying before the Select Committee.”³⁶

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BACKGROUND ON THE SELECT COMMITTEE’S INVESTIGATION

House Resolution 503 provides that the enumerated purposes of the Select Committee include investigating and reporting upon the “facts, circumstances, and causes relating to the January 6, 2021, domestic terrorist attack upon the United States Capitol Complex . . . and relating to the interference with the peaceful transfer of power.”⁴⁰ As part of this charge, the Select Committee is examining the “influencing factors that fomented such an attack on American representative democracy.”⁴¹

The Supreme Court has long held that Congress has a constitutional duty to conduct oversight. “The power of the Congress to conduct investigations is inherent in the legislative process,”⁴² and the capacity to enforce said investigatory power “is an essential and appropriate auxiliary to the legislative function.”⁴³ “Absent such a power, a legislative body could not ‘wisely or effectively’ evaluate those conditions ‘which the legislation is intended to affect or change.’”⁴⁴

The oversight powers of House and Senate committees are also codified in legislation. For example, the Legislative Reorganization Act of 1946 directed committees to “exercise continuous watchfulness” over the executive branch’s implementation of programs within its jurisdictions,⁴⁵ and the Legislative Reorganization Act of 1970 authorized committees to “review and study, on a continuing basis, the application, administration, and execution” of laws.⁴⁶

The Select Committee was properly constituted under section 2(a) of House Resolution 503, 117th Congress. As required by that resolution, Members of the Select Committee were selected by the Speaker, after “consultation with the minority leader.”⁴⁷ A bipartisan selection of Members was appointed pursuant to House Resolution 503 on July 1, 2021, and July 26, 2021.⁴⁸

Pursuant to House rule XI and House Resolution 503, the Select Committee is authorized “to require, by subpoena or otherwise, the attendance and testimony of such wit-

nesses and the production of books, records, correspondence, memoranda, papers, and documents as it considers necessary.”⁴⁹ Further, section 5(c)(4) of House Resolution 503 provides that the Chairman of the Select Committee may “authorize and issue subpoenas pursuant to clause 2(m) of rule XI in the investigation and study” conducted pursuant to the enumerated purposes and functions of the Select Committee. The Select Committee’s authorizing resolution further states that the Chairman “may order the taking of depositions, including pursuant to subpoena, by a Member or counsel of the Select Committee, in the same manner as a standing committee pursuant to section 3(b)(1) of House Resolution 8, One Hundred Seventeenth Congress.”⁵⁰

PETER K. NAVARRO

A. The Select Committee seeks information from Mr. Navarro central to its investigative purposes.

The Select Committee seeks information from Mr. Navarro central to its investigative responsibilities delegated to it by the House of Representatives. This includes the obligation to investigate and report on the facts, circumstances, and causes of the attack on January 6, 2021, and on the facts, circumstances, and causes “relating to the interference with the peaceful transfer of power.”⁵¹

The events of January 6, 2021, involved both a physical assault on the Capitol building and law enforcement personnel protecting it and an attack on the constitutional process central to the peaceful transfer of power following a Presidential election. The counting of electoral college votes by Congress is a component of that transfer of power that occurs every January 6th following a Presidential election. This event is part of a complex process, mediated through the free and fair elections held in jurisdictions throughout the country, and through the statutory and constitutional processes set up to confirm and validate the results. In the case of the 2020 Presidential election, the January 6th electoral college vote count occurred following a series of efforts in the preceding weeks by Mr. Trump and his supporters to challenge the legitimacy of, disrupt, delay, and overturn the election results.

According to eyewitness accounts as well as the statements of participants in the attack on January 6, 2021, a purpose of the assault was to stop the process of validating what then-President Trump, his supporters, and his allies had falsely characterized as a “stolen” or “fraudulent” election. The claims regarding the 2020 election results were advanced and amplified in the weeks leading up to the January 6th assault, even after courts across the country had resoundingly rejected lawsuits claiming election fraud and misconduct, and after all States had certified the election results. As part of this effort, Mr. Trump and his associates spread false information about, and cast doubts on, the elections in Arizona, Pennsylvania, Michigan, and Georgia, among other States, and pressed Federal, State, and local officials to use their authorities to challenge the election results.

To fulfill its investigative responsibilities, the Select Committee needs to understand the events and communications in which Mr. Navarro reportedly participated or that he observed. He has publicly acknowledged playing a role in devising a post-election strategy to change the outcome of the election and promoting claims of election fraud intended to further that strategy. These actions were outside his official governmental duties at the time.

As Assistant to the President and Director of Trade and Manufacturing Policy, Mr.

Navarro’s role in government was to assist the President in formulating and implementing trade policy. Former-President Trump created Mr. Navarro’s position by Presidential Executive Order No. 13797 in 2017.⁵² The mission of the office that Mr. Navarro led was to “defend and serve American workers and domestic manufacturers while advising the President on policies to increase economic growth, decrease the trade deficit, and strengthen the United States manufacturing and defense industrial bases.”⁵³ Additionally, the office’s responsibilities included: “(a) advis[ing] the President on innovative strategies and promot[ing] trade policies consistent with the President’s stated goals; (b) serv[ing] as a liaison between the White House and the Department of Commerce and undertak[ing] trade-related special projects as requested by the President; and (c) help[ing] to improve the performance of the executive branch’s domestic procurement and hiring policies, including through the implementation of the policies described in Executive Order 13788 of April 18, 2017 (Buy American and Hire American).”⁵⁴ In March 2020, President Trump also signed Executive Order No. 13911, which named Mr. Navarro as the National Defense Production Act Policy Coordinator, which gave the Office of Trade and Manufacturing Policy authority to address potential shortfalls in pandemic-related resources such as ventilators and personal protective equipment.⁵⁵

The Select Committee does not seek documents or testimony from Mr. Navarro related to his official duties as a Federal official. None of the official responsibilities of Mr. Navarro’s positions included advising President Trump about the 2020 Presidential election or the roles and responsibilities of Congress and the Vice President during the January 6, 2021, joint session of Congress. Nor did those official duties involve researching or promoting claims of election fraud. Nevertheless, after the 2020 Presidential election, Mr. Navarro became involved in efforts to convince the public that widespread fraud had affected the election. Federal law did not allow Mr. Navarro to use his official office to attempt to affect the outcome of an election.⁵⁶ When Mr. Navarro engaged in these activities, and other activities described below, he was acting outside the scope of his official duties.

In December 2020, Mr. Navarro released a three-part report on purported fraud in the election on his personal website. The chapters of the report, titled “Volume One: The Immaculate Deception,” “Volume Two: The Art of the Steal,” and “Volume Three: Yes, President Trump Won” (collectively, “The Navarro Report”), discuss, among other things, disproven claims of alleged voter fraud and cite to sources such as Stephen Bannon’s “War Room: Pandemic” podcasts and unsupported allegations from cases around the country that courts dismissed.⁵⁷ In a press call on December 17, 2020, to announce his report, Mr. Navarro acknowledged that he wrote the report “as a private citizen” and, in doing so, wanted to address what he called “outright fraud” in the 2020 Presidential election.⁵⁸

The Select Committee’s investigation has revealed that “The Navarro Report” was shared, in whole or in part, by individuals who made public claims about purported fraud in the election, including Professor John Eastman and then-White House Chief of Staff Mark Meadows.⁵⁹ Notably, then-President Trump included a link to volume one of “The Navarro Report” in the same tweet in which he first announced that he would speak at a rally in Washington on January 6, 2021.⁶⁰ Mr. Navarro has claimed that Mr. Trump “himself had distributed

Volume One of the report to every member of the House and Senate” before January 6, 2021.⁶¹ Specific allegations contained in “The Navarro Report” were also used as justification in attempts to convince State legislators to de-certify their State’s popular vote and appoint Trump-Pence electoral college electors.⁶² And, the report was cited in litigation that, if successful, would have resulted in a declaration that the Vice President alone could decide which electoral college votes to count during the January 6, 2021, joint session of Congress.⁶³

Mr. Navarro also reportedly worked with members of the Trump Campaign’s legal team to directly encourage State legislators to overturn the results of the 2020 election. On January 2, 2021, Mr. Navarro joined a call with Phill Kline, Rudy Giuliani, Professor John Eastman, John Lott, Jr., then-President Trump, and hundreds of State legislators. During the call, Mr. Navarro discussed his report on voter fraud and told the State legislators: “Your job, I believe, is to take action, action, action . . . The situation is dire.”⁶⁴ In that same call, Mr. Trump told the State legislators that they were the best chance to change the certified results of the Presidential election in certain States because “[y]ou are the real power . . . [y]ou’re more important than the courts. You’re more important than anything because the courts keep referring to you, and you’re the ones that are going to make the decision.”⁶⁵

In the days leading up to January 6, 2021, according to evidence obtained by the Select Committee, Mr. Navarro also encouraged Mark Meadows (and possibly others) to call Roger Stone to discuss January 6th.⁶⁶ When Roger Stone appeared to testify before the Select Committee and was asked questions about the events of January 6th, he repeatedly invoked his Fifth Amendment right against self-incrimination.

Mr. Navarro wrote about “The Navarro Report” and his efforts to change the outcome of the 2020 election in his recently published book, *In Trump Time*.⁶⁷ In his book, Mr. Navarro described actions he took to affect the outcome of the election, including encouraging President Trump in early-November 2020 not to announce that he would seek election in 2024 because doing so would acknowledge that he had actually lost the 2020 Presidential election.⁶⁸ Mr. Navarro also wrote that he called Attorney General William P. Barr to ask that the Department of Justice intervene and support President Trump’s legal efforts to challenge the results of the 2020 election, which Attorney General Barr refused to do.⁶⁹ Mr. Navarro also wrote in his book that he kept a journal of post-election activities like those described above.⁷⁰

Mr. Navarro also claimed credit for concocting a plan with Stephen Bannon to overturn the election results in various States dubbed the “Green Bay Sweep.”⁷¹ In his book, Mr. Navarro described the “Green Bay Sweep” as “our last, best chance to snatch a stolen election,” and “keep President Trump in the White House for a second term.”⁷² The plan was to encourage Vice President Michael R. Pence, as President of the Senate, to delay certification of the electoral college votes during the January 6th joint session of Congress and send the election back to the State legislatures.⁷³ Mr. Navarro’s theory is similar to the theory that Professor John Eastman advocated before January 6th, and that President Trump explicitly encouraged during his speech on the Ellipse on January 6th.⁷⁴ On January 6th, the day to implement the “Green Bay Sweep,” Mr. Navarro had multiple calls with Mr. Bannon, including during and after the attack on the U.S. Capitol.⁷⁵ Mr. Navarro has stated that he believed his strategy “started flawlessly” but

was thwarted when “two things went awry: [Vice President] Pence’s betrayal, and, of course, the violence that erupted on Capitol Hill, which provided [Vice President] Pence, [and Congressional leaders] an excuse to abort the Green Bay sweep.”⁷⁶

This information demonstrates Mr. Navarro’s clear relevance to the Select Committee’s investigation and provides the foundation for its subpoena for Mr. Navarro’s testimony and document production. Congress, through the Select Committee, is entitled to discover facts concerning what led to the attack on the U.S. Capitol on January 6th, as well as White House officials’ actions and communications during and after the attack.

B. Mr. Navarro has refused to comply with the Select Committee’s subpoena for testimony and documents.

On February 9, 2022, Chairman THOMPSON signed and issued a subpoena, cover letter, and schedule to Mr. Navarro ordering the production of both documents and testimony relevant to the Select Committee’s investigation into “important activities that led to and informed the events at the Capitol on January 6, 2021.”⁷⁷ Chairman THOMPSON’s letter identified public reports describing Mr. Navarro’s activities and past statements, documenting some of the public information that gave the Select Committee reason to believe Mr. Navarro possesses information about matters within the scope of the Select Committee’s inquiry.

The accompanying letter set forth a schedule specifying categories of related documents sought by the Select Committee on topics including, but not limited to:

- communications, documents, and information that are evidence of the claims of purported fraud in the three-volume “Navarro Report”;
- documents and communications related to plans, efforts, or discussions regarding challenging, decertifying, delaying the certification of, overturning, or contesting the results of the 2020 election; and
- communications with Stephen Bannon, Members of Congress, State and local officials, other White House employees, or representatives of the Trump reelection campaign about election fraud and delaying or preventing the certification of 2020 Presidential election.

The subpoena required Mr. Navarro to produce the requested documents to the Select Committee on February 23, 2022, at 10 a.m. and required Mr. Navarro’s presence for the taking of testimony on March 2, 2022, at 10 a.m.⁷⁸

As described above, Mr. Navarro had a brief exchange with Select Committee staff after accepting service of the subpoena and also made public comments indicating that he would not appear or provide documents as required by the subpoena. Indeed, Mr. Navarro failed to produce any documents by the February 23, 2022, deadline, and did not appear for his deposition on March 2, 2022.⁷⁹ In his public and non-public communications with the Select Committee, Mr. Navarro vaguely referred to “[e]xecutive [p]rivilege,” with no further explanation, as his only reason for failing to comply with the Select Committee’s subpoena.

C. Mr. Navarro’s purported basis for non-compliance is wholly without merit.

Congress has the power to compel witnesses to testify and produce documents.⁸⁰ An individual—whether a member of the public or an executive branch official—has a legal (and patriotic) obligation to comply with a duly issued and valid congressional subpoena, unless a valid and overriding privilege or other legal justification permits non-compliance.⁸¹ In *United States v. Bryan*, the Supreme Court stated:

A subpoena has never been treated as an invitation to a game of hare and hounds, in which the witness must testify only if cornered at the end of the chase. If that were the case, then, indeed, the great power of testimonial compulsion, so necessary to the effective functioning of courts and legislatures, would be a nullity. We have often iterated the importance of this public duty, which every person within the jurisdiction of the Government is bound to perform when properly summoned.⁸²

As more fully described below, the Select Committee sought testimony from Mr. Navarro on topics and interactions as to which there can be no conceivable privilege claim. Mr. Navarro has refused to testify in response to the subpoena ostensibly based on a blanket assertion of executive privilege purportedly asserted by former-President Trump. The Supreme Court has recognized an implied constitutional privilege protecting Presidential communications.⁸³ Under certain circumstances, executive privilege may be invoked to bar congressional inquiry into communications covered by the privilege. However, the Court has held that the privilege is qualified, not absolute, and that it is limited to communications made “in performance of [a President’s] responsibilities of his office and made in the process of shaping policies and making decisions.”⁸⁴ The U.S. Court of Appeals for the D.C. Circuit has already assessed generalized privilege assertions by Mr. Trump in relation to information sought by the Select Committee and purportedly protected by executive privilege. That court concluded that “the profound interests in disclosure advanced by President Biden and the January 6th Committee far exceed [Donald Trump’s] generalized concerns for Executive Branch confidentiality.”⁸⁵ Executive privilege has not been properly invoked with respect to Mr. Navarro, is not applicable to the testimony and documents sought by the Select Committee, and does not justify Mr. Navarro’s refusal to appear in any event.

1. President Biden decided not to invoke executive privilege to prevent testimony by Mr. Navarro, and Mr. Trump has not invoked executive privilege with respect to Mr. Navarro.

In his February 9, 2022, email to the Select Committee before receiving the subpoena and reviewing the documents sought by the Select Committee, Mr. Navarro cryptically claimed, “[e]xecutive [p]rivilege,” but offered no reason why executive privilege would shield from disclosure to the Select Committee all of Mr. Navarro’s testimony or the documents in Mr. Navarro’s personal custody and control.⁸⁶ Moreover, Mr. Navarro has put forward no evidence to support a valid assertion of executive privilege.

President Biden provided his considered determination that invoking executive privilege, and asserting immunity, to prevent Mr. Navarro’s testimony and document production would not be “in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee.”⁸⁷ Mr. Navarro has also offered no evidence that former-President Trump has asserted executive privilege, and the Select Committee has had no communications with the former President regarding Mr. Navarro. Without an assertion of executive privilege by Mr. Trump to the Select Committee, and with the considered determination of the current President not to assert any immunity or executive privilege, Mr. Navarro cannot establish the foundational element of a claim of executive privilege: an invocation of the privilege by the executive.

In *United States v. Reynolds*, 345 U.S. 1, 7–8 (1953), the Supreme Court held that executive privilege:

[B]elongs to the Government and must be asserted by it; it can neither be claimed nor waived by a private party. It is not to be lightly invoked. There must a formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by that officer.⁸⁸

Here, President Biden has decided not to assert executive privilege. But even if this formal determination by the President as the head of the executive branch was not enough to stop the valid assertion of executive privilege (and it was with respect to Mr. Navarro), Mr. Navarro's assertion cannot be valid because the Select Committee has not been provided with any invocation of executive privilege—whether formal or informal—by the former President.⁸⁹ In any event, Mr. Navarro's second-hand, categorical assertion of privilege, without any description of the specific documents or specific testimony over which privilege is claimed, is insufficient to activate a claim of executive privilege.

2. *Even if Mr. Trump had actually invoked executive privilege, the privilege would not bar the Select Committee from lawfully obtaining the documents and testimony it seeks from Mr. Navarro.*

The law is clear that executive privilege does not extend to discussions relating to non-governmental business or among private citizens.⁹⁰ In *In re Sealed Case (Espy)*, 121 F.3d 729, 752 (D.C. Cir. 1997), the court explained that the Presidential communications privilege covers “communications authored or solicited and received by those members of an immediate White House adviser’s staff who have broad and significant responsibility for investigating and formulating the advice to be given the President on the particular matter to which the communications relate.” The court stressed that the privilege only applies to communications intended to advise the President “on official government matters.”⁹¹

The Select Committee does not seek information from Mr. Navarro on trade policy or other official decision-making within his sphere of official responsibility. Rather, as noted above, the Select Committee seeks information from Mr. Navarro on a range of subjects unrelated to his or the President’s official duties or related to his communications with people outside government about matters outside the scope of Mr. Navarro’s official duties. These include the following topics:

- Mr. Navarro’s interactions with private citizens, Members of Congress, or others outside the White House related to the 2020 election or efforts to overturn its results, including matters related to the “Green Bay Sweep” strategy for changing the election results that Mr. Navarro developed with Stephen Bannon, who was not a White House employee during the relevant period;
- the reports, and purported factual support for the reports, that Mr. Navarro himself acknowledged he prepared in his capacity “as a private citizen”;
- the connections, involvement, and planning for January 6th events by Mr. Navarro, Roger Stone, and other individuals who have refused to provide testimony to the Select Committee; and
- subjects covered by the book that he wrote and publicly released, such as private calls he made to Attorney General Barr to “plead [the] case” for the Department of Justice to take action related to purported election fraud,⁹² his calls and meetings with Rudy Giuliani and others associated with the Trump reelection campaign,⁹³ and his experience in Washington, DC, and around The National Mall on January 6, 2021.⁹⁴

There is no conceivable claim of executive privilege over documents and testimony related to those topics.

Moreover, any claim of executive privilege and the need to maintain confidentiality is severely undermined, if not entirely vitiated, by Mr. Navarro’s extensive public disclosure of his communications with the former President, including on issues directly implicated by the Select Committee’s subpoena. Mr. Navarro’s recently published book described his efforts to overturn the 2020 election and several meetings with then-President Trump about those efforts. The day after he was served with the Select Committee subpoena, Mr. Navarro appeared on national television to discuss the subpoena and his efforts to overturn the 2020 election. Mr. Navarro’s public disclosures relating to the very subjects of interest to the Select Committee foreclose a claim of executive privilege with respect to those disclosures.⁹⁵

Even with respect to Select Committee inquiries that involve Mr. Navarro’s direct communications with Mr. Trump, executive privilege does not bar Select Committee access to that information. Only communications that relate to official Government business can be covered by the Presidential communications privilege.⁹⁶ Based on his role as Director of Trade and Manufacturing Policy, Mr. Navarro may have had “broad and significant responsibility for investigating and formulating . . . advice to be given the President” on manufacturing or trade matters, in which case communications with the President related to those “particular matters” might be within executive privilege.⁹⁷ However, communications on matters unrelated to official Government business—and outside the scope of Mr. Navarro’s official duties—would not be privileged.⁹⁸ Indeed, the Select Committee did not intend to seek any information related to Mr. Navarro’s role as Director of Trade and Manufacturing Policy, and instead was concerned exclusively with obtaining information about events in which Mr. Navarro participated or witnessed in his private, unofficial capacity.

Moreover, even with respect to any subjects of concern that arguably involve official Presidential communications about official Government business, the Select Committee’s need for this information to investigate the facts and circumstances surrounding the January 6th assault on the U.S. Capitol and the Nation’s democratic institutions far outweighs any generalized executive branch interest in maintaining confidentiality at this point. The U.S. Court of Appeals has recognized this in circumstances when Mr. Trump has formally asserted executive privilege (unlike with Mr. Navarro),⁹⁹ and the incumbent President has concluded that “an assertion of executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee . . . [including] efforts to alter election results or obstruct the transfer of power.”¹⁰⁰

3. *Mr. Navarro is not immune from testifying or producing documents in response to the subpoena.*

Finally, even if executive privilege may apply to some aspect of Mr. Navarro’s testimony, he, like other witnesses, was required to produce a privilege log with respect to any withheld documents noting any applicable privileges with specificity, and to appear before the Select Committee for his deposition to answer any questions concerning non-privileged information and assert any applicable privileges on a question-by-question basis. He did none of those things. Although he has not actually claimed that he

is immune from testifying or producing documents to Congress, such a claim would not prevent Mr. Navarro’s cooperation with the Select Committee on the subjects described in this Report.

As explained, President Biden has determined that it is not in the national interest to assert immunity that Mr. Navarro could claim would prevent testimony before the Select Committee. And neither former-President Trump nor Mr. Navarro have asserted any claim of testimonial immunity to prevent Mr. Navarro from testifying in a deposition with the Select Committee. President Biden, on the other hand, affirmatively decided *not* to assert such immunity. In any event, all courts that have reviewed purported immunity have been clear: even senior White House aides who advise the President on official Government business are not immune from compelled congressional process.¹⁰¹

The general theory that a current or former White House senior advisor may be immune from testifying before Congress is based entirely on internal memoranda from the Department of Justice’s Office of Legal Counsel (“OLC”) that courts, in relevant parts, have uniformly rejected.¹⁰² But even those internal memoranda do not claim such immunity from testimony for circumstances like those now facing Mr. Navarro. Those internal memoranda do not address a situation in which the incumbent President has decided to not assert immunity. And by their own terms, the OLC opinions apply only to testimony “about [a senior official’s] official duties,” not testimony about unofficial actions or private conduct.¹⁰³ Indeed, in OLC opinions dating back to, at least, the 1970s, OLC has qualified its own position by advocating for the testimonial immunity of certain White House advisors before Congress “unless [Congress’s] inquiry is related to their private conduct.”¹⁰⁴ As described in this Report, the Select Committee seeks testimony from Mr. Navarro about, among other things, the “Green Bay Sweep” plan he developed to overturn the election and his creation and publication of “The Navarro Report,” conduct that was not part of his official duties and that he admittedly engaged in “as a private citizen.” Mr. Navarro is not immune from testifying before the Select Committee.

Moreover, there is not, nor has there ever been, any purported immunity for senior White House advisors from producing non-privileged documents to Congress when required by subpoena to do so. Mr. Navarro did not produce any documents, and there is no theory of immunity that justifies his wholesale non-compliance with the Select Committee’s demand.

For the reasons stated above, Mr. Navarro’s own conduct and the determination by the current executive would override any claim of privilege or immunity (even assuming Mr. Trump had invoked executive privilege with respect to Mr. Navarro). Furthermore, Mr. Navarro has refused to appear and assert executive privilege on a question-by-question basis, making it impossible for the Select Committee to consider any good-faith executive privilege assertions. And, as discussed above, claims of testimonial immunity and executive privilege are wholly inapplicable to the range of subjects about which the Select Committee seeks Mr. Navarro’s testimony and that Mr. Navarro has seemingly acknowledged involve non-privileged matters.

D. *Mr. Navarro’s failure to appear or produce documents in response to the subpoena warrants holding Mr. Navarro in contempt.*

An individual who fails or refuses to comply with a House subpoena may be cited for

contempt of Congress.¹⁰⁵ Pursuant to 2 U.S.C. § 192, the willful refusal to comply with a congressional subpoena is punishable by a fine of up to \$100,000 and imprisonment for up to 1 year. A committee may vote to seek a contempt citation against a recalcitrant witness. This action is then reported to the House. If a contempt resolution is adopted by the House, the matter is referred to a U.S. Attorney, who has a duty to refer the matter to a grand jury for an indictment.¹⁰⁶

In a series of email correspondence, Select Committee staff advised Mr. Navarro that his blanket and general claim of “[e]xecutive [p]rivilege” did not absolve him of his obligation to produce documents and testify in a deposition. Select Committee staff made clear that it wished to obtain information from Mr. Navarro about topics that would not raise “any executive privilege concerns at all” and that Mr. Navarro could assert any “objections on the record and on a question-by-question basis.”¹⁰⁷ Mr. Navarro’s failure to appear for deposition or produce responsive documents constitutes a willful failure to comply with the subpoena.

DANIEL SCAVINO, JR.

A. The Select Committee seeks information from Mr. Scavino central to its investigative purposes.

Mr. Scavino’s testimony and document production are critical to the Select Committee’s investigation. Mr. Scavino is uniquely positioned to illuminate the extent of knowledge and involvement of the former President, Members of Congress, and other individuals and organizations in the planning and instigation of the attack on the Capitol on January 6th, including whether and how these various parties were collaborating. Information in Mr. Scavino’s possession is essential to putting other witnesses’ testimony and productions into appropriate context and to ensuring the Select Committee can fully and expeditiously complete its work.

Mr. Scavino served the former President in various roles related to social media accounts and strategy, from the 2016 Presidential campaign through his service across the tenure of the Trump administration, including as Deputy Chief of Staff for Communications during the time most critical to the Select Committee’s investigation. Mr. Scavino’s activities on Mr. Trump’s behalf went beyond the official duties of a member of the White House staff. Mr. Scavino actively promoted Mr. Trump’s political campaign through social media. Scavino was also reportedly present for meetings in November 2020 where then-President Trump consulted with outside advisors about ways to challenge the results of the 2020 election.¹⁰⁸

Further, the Select Committee has reason to believe that Mr. Scavino was with then-President Trump on January 5th and January 6th and was party to conversations regarding plans to challenge, disrupt, or impede the official congressional proceedings.¹⁰⁹ Mr. Scavino spoke with Mr. Trump multiple times by phone on January 6th,¹¹⁰ and was present with Mr. Trump during the period when Americans inside the Capitol building and across the country were urgently calling on Mr. Trump for help to halt the violence at the Capitol, but Mr. Trump failed to immediately take actions to stop it.¹¹¹

The Select Committee also has reason to believe that Mr. Scavino may have had advance warning of the possibility of violence on January 6th. Public reporting notes that Mr. Scavino had a history of monitoring websites where, in the weeks leading up to January 6th, users discussed potential acts of violence.¹¹² Whether and when the President and other senior officials knew of im-

pending violence is highly relevant to the Select Committee’s investigation and consideration of legislative recommendations.

And again, aside from official duties—in which close aides to the President should assist him in fulfilling his oath—Mr. Scavino also engaged in activities promoting the Trump Campaign.¹¹³ Evidence acquired by the Select Committee confirms the widely known fact that Mr. Scavino worked closely with former-President Trump on his social media messaging and likely had access to the credentials necessary to post on the President’s accounts.¹¹⁴ Indeed, Mr. Scavino frequently composed specific social media posts and discussed specific language with the former President.¹¹⁵ During the time leading up to the January 6th attack, public messages issued from President Trump’s social media account that the Select Committee believes had the effect of providing false information and enflaming passions about a core tenet of our constitutional democracy. Specifically:

• On December 19, 2020, 1:42 a.m. ET, from Donald J. Trump:

Peter Navarro releases 36-page report alleging election fraud ‘more than sufficient’ to swing victory to Trump <https://washex.am/3nwaBCE>. A great report by Peter. Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!¹¹⁶

• On December 19, 2020, 9:41 a.m. ET, from Donald J. Trump:

[Joe Biden] didn’t win the Election. He lost all 6 Swing States, by a lot. They then dumped hundreds of thousands of votes in each one, and got caught. Now Republican politicians have to fight so that their great victory is not stolen. Don’t be weak fools! <https://t.co/d9Bgu8XPIj>¹¹⁷

• On December 19, 2020, 2:59 p.m. ET, from Donald J. Trump:

The lie of the year is that Joe Biden won! Christina Bobb @OANN.¹¹⁸

• On December 20, 2020, 12:26 a.m. ET, from Donald J. Trump:

GREATEST ELECTION FRAUD IN THE HISTORY OF OUR COUNTRY!!!¹¹⁹

• On December 22, 2020, 10:29 a.m. ET, from Donald J. Trump:

THE DEMOCRATS DUMPED HUNDREDS OF THOUSANDS OF BALLOTS IN THE SWING STATES LATE IN THE EVENING. IT WAS A RIGGED ELECTION!!!¹²⁰

• On December 26, 2020, 9:00 a.m. ET, from Donald J. Trump:

A young military man working in Afghanistan told me that elections in Afghanistan are far more secure and much better run than the USA’s 2020 Election. Ours, with its millions and millions of corrupt Mail-In Ballots, was the election of a third world country. Fake President!¹²¹

• On December 26, 2020, 8:14 a.m. ET, from Donald J. Trump:

The “Justice” Department and the FBI have done nothing about the 2020 Presidential Election Voter Fraud, the biggest SCAM in our nation’s history, despite overwhelming evidence. They should be ashamed. History will remember. Never give up. See everyone in D.C. on January 6th.¹²²

• On December 28, 2020, 4:00 p.m. ET, from Donald J. Trump:

“Breaking News: In Pennsylvania there were 205,000 more votes than there were voters. This alone flips the state to President Trump.”¹²³

• On December 30, 2020, 2:38 p.m. ET, from Donald J. Trump:

The United States had more votes than it had people voting, by a lot. This travesty cannot be allowed to stand. It was a Rigged Election, one not even fit for third world countries!¹²⁴

• On January 4, 2021, 10:07 a.m. ET, from Donald J. Trump:

How can you certify an election when the numbers being certified are verifiably WRONG. You will see the real numbers tonight during my speech, but especially on JANUARY 6th. @SenTomCotton Republicans have pluses & minuses, but one thing is sure, THEY NEVER FORGET!¹²⁵

• On January 6, 2021, 1:00 a.m. ET, from Donald J. Trump:

If Vice President @Mike_Pence comes through for us, we will win the Presidency. Many States want to decertify the mistake they made in certifying incorrect & even fraudulent numbers in a process NOT approved by their State Legislatures (which it must be). Mike can send it back!¹²⁶

• On January 6, 2021, 8:17 a.m. ET, from Donald J. Trump:

States want to correct their votes, which they now know were based on irregularities and fraud, plus corrupt process never received legislative approval. All Mike Pence has to do is send them back to the States, AND WE WIN. Do it Mike, this is a time for extreme courage!¹²⁷

• On January 6, 2021, 2:24 p.m. ET, from Donald J. Trump:

Mike Pence didn’t have the courage to do what should have been done to protect our Country and our Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify. USA demands the truth!¹²⁸

The Select Committee seeks to question Mr. Scavino, in his capacity as social media manager, about these and other similar communications.

Public reporting also notes that Mr. Scavino and his social media team had a history of monitoring websites including “TheDonald.win,” an online forum frequented by individuals who openly advocated and planned violence in the weeks leading up to January 6th.¹²⁹ In the summer of 2016, former-President Trump himself engaged in a written question-and-answer session on a precursor to TheDonald.win called “/r/The_Donald,” which was a subreddit (a forum on the website Reddit.com) at the time.¹³⁰ The online Reddit community, which had upward of 790,000 users, was banned by Reddit in mid-2020,¹³¹ after which it migrated to another online forum located at TheDonald.win.¹³²

Mr. Scavino reportedly amplified content from this community, while his social media team also interacted with the site’s users. During the 2016 Presidential campaign, “a team in the war room at Trump Tower was monitoring social media trends, including /r/The_Donald subreddit . . . and privately communicating with the most active users to seed new trends.”¹³³ Trump “campaign staffers monitored Twitter and /r/The_Donald subreddit, and pushed any promising trends up to social media director Dan Scavino, who might give them a boost with a tweet.”¹³⁴ In 2017, former-President Trump tweeted a video of himself attacking CNN.¹³⁵ The video had appeared on /r/The_Donald 4 days earlier.¹³⁶ In 2019, *Politico* reported that Mr. Scavino “regularly monitors Reddit, with a particular focus on the pro-Trump /r/The_Donald channel.”¹³⁷

On December 19, 2020, the same day Mr. Trump tweeted “Big protest in D.C. on January 6th . . . Be there, will be wild!,” users on posts on TheDonald.win, began sharing “specific techniques, tactics, and procedures for the assault on the Capitol.”¹³⁸ The “ensuing weeks of communications on the site included information on how to use a flagpole as a weapon, how to smuggle firearms into DC, measurements for a guillotine, and maps of the tunnel systems under the Capitol building.”¹³⁹ On January 5, 2021, a user on TheDonald.win encouraged Mr. Trump’s supporters to “be prepared to secure the capitol building,” claiming that “there will be plenty of ex military to guide you.”¹⁴⁰

Multiple other posts on TheDonald.win made it clear that the U.S. Capitol was a target, with one poster writing that people should bring “handcuffs and zip ties to DC” so they could enact “citizen’s arrests” of those officials who certified the election’s results.¹⁴¹ Another post on TheDonald.win was headlined “most important map for January 6th. Form a TRUE LINE around the Capitol and the tunnels.”¹⁴² That “post included a detailed schematic of Capitol Hill with the tunnels surrounding the complex highlighted.”¹⁴³ One thread posted on TheDonald.win, and pertaining to Mr. Trump’s December 19, 2020, tweet, reportedly received more than “5,900 replies and over 24,000 upvotes.”¹⁴⁴ The “general consensus among the users” on these threads “was that Trump had essentially tweeted permission to disregard the law in support of him.”¹⁴⁵ For example, one user wrote, “[Trump] can’t exactly openly tell you to revolt. This is the closest he’ll ever get.”¹⁴⁶

Just weeks before the January 6, 2021, attack on the U.S. Capitol, former-President Trump shared content on Twitter that apparently originated on TheDonald.win. On December 19, 2020, former-President Trump tweeted a video titled, “FIGHT FOR TRUMP!- SAVE AMERICA- SAVE THE WORLD.”¹⁴⁷ The video had reportedly appeared on TheDonald.win 2 days earlier.¹⁴⁸

Mr. Scavino also promoted the candidacy of Donald Trump and other political candidates on his own social media account. For example, he produced these public messages on Twitter:

• On October 16, 2020, 8:26 p.m. ET, from Dan Scavino Jr.[American flag][Eagle]:

[Alert]HAPPENING NOW!! 10/16/20-Macon, GA! MAGA[American flag][Eagle] [Globe with meridians]Vote.DonaldJTrump.com” [Four pictures of a presidential campaign rally]¹⁴⁹

• On November 6, 2020, 12:04 a.m. ET, from Dan Scavino Jr.[American flag][Eagle]:

[Tweeting a Fox News segment, “Charges of Mail-In Ballot Fraud are Rampant”]¹⁵⁰

• On December 6, 2020, 12:34 a.m. ET, from Dan Scavino Jr.[American flag][Eagle]:

“I am thrilled to be back in Georgia, w/ 1,000’s of proud, hardworking American Patriots! We are gathered together to ensure that @sendavidperdue & @KLoeffler WIN the most important Congressional runoff in American History. At stake in this election is control of the Senate!” -DJT [Video; <https://twitter.com/i/status/1335457640072310784>]¹⁵¹

• On January 2, 2021, 9:04 p.m. ET, from Dan Scavino Jr.[American flag][Eagle]:

[Tweeting out a video encouraging people to “Be a Part of History” and “Join the March” on January 6th.]¹⁵²

The Select Committee has a legitimate interest in seeking information from Mr. Scavino about his activities that were outside the scope of his responsibilities as a

Federal Government official. It is beyond reasonable dispute that the “stolen election” narrative played a major role in motivating the violent attack on the Capitol. Violent rioters’ social media posts, contemporaneous statements on video, and filings in Federal court provide overwhelming evidence of this. To take just a few examples—though there are many others—statements from individuals charged with crimes associated with the January 6th attack include:

• “I’m going to be there to show support for our president and to do my part to stop the steal and stand behind Trump when he decides to cross the rubicon.”¹⁵³

• “Trump is literally calling people to DC in a show of force. Militias will be there and if there’s enough people they may fucking storm the buildings and take out the trash right there.”¹⁵⁴

• “Trump said It’s gonna be wild!!!!!! It’s gonna be wild!!!!!! He wants us to make it WILD that’s what he’s saying. He called us all to the Capitol and wants us to make it wild!!! Sir Yes Sir!!! Gentlemen we are heading to DC pack your shit!!!”¹⁵⁵

Mr. Scavino’s promotion of the January 6th events, his reported participation in multiple conversations about challenging the election, and his reported presence with then-President Trump as the attack unfolded and in its aftermath make his testimony essential to fully understanding the events of January 6th, including Presidential activities and responses that day. His two distinct roles—as White House official in the days leading up to and during the attack, and as a campaign social media promoter of the Trump “stolen election” narrative—provide independent reasons to seek his testimony and documents.

B. Mr. Scavino has refused to comply with the Select Committee’s subpoena for testimony and documents.

On September 23, 2021, Chairman THOMPSON signed and issued a subpoena, cover letter, and schedule to Mr. Scavino ordering the production of both documents and testimony relevant to the Select Committee’s investigation into “important activities that led to and informed the events at the Capitol on January 6, 2021.”¹⁵⁶ Chairman THOMPSON’s letter identified public reports describing Mr. Scavino’s activities and past statements, and documented some of the public information that gave the Select Committee reason to believe Mr. Scavino possesses information about matters within the scope of the Select Committee’s inquiry.

The specific documents the Chairman ordered produced are found in the schedule in Appendix II, Ex. 6. The schedule identified documents including but not limited to those reflecting Mr. Scavino’s role in planning and promoting the January 6, 2021, rally and march in support of Mr. Trump; Mr. Trump’s participation in the rally and march; Mr. Scavino’s communications with Members of Congress or their staff about plans for January 6th; and communications with others known to be involved with the former President’s 2020 election campaign and subsequent efforts to undermine or cast doubt on the results of that election.

The subpoena required Mr. Scavino to produce the requested documents to the Select Committee on October 7, 2021, at 10 a.m. ET and required Mr. Scavino’s presence for the taking of testimony on October 15, 2021, at 10 a.m.¹⁵⁷

The Select Committee was unable to locate Mr. Scavino for service and therefore issued a new subpoena on October 6, 2021.¹⁵⁸ On October 8, 2021, U.S. Marshals served this new subpoena at Mar-a-Lago, Mr. Scavino’s reported place of employment, to Ms. Susan

Wiles, who represented herself as chief of staff to former-President Trump and as authorized to accept service on Mr. Scavino’s behalf.¹⁵⁹ The subpoena required that Mr. Scavino produce responsive documents not later than October 21, 2021, and that Mr. Scavino appear for a deposition on October 28, 2021.¹⁶⁰

On October 20, 2021, Stanley E. Woodward, Jr., of Brand Woodward Law notified the Select Committee that his firm had been retained to represent Mr. Scavino.¹⁶¹ Per a telephone conversation later that day, Mr. Woodward notified the Select Committee that he was still in the process of ascertaining whether Mr. Scavino had responsive documents and requested an extension of the deadlines in the October 6, 2021, subpoena. The Select Committee granted an extension of 1 week, delaying the production deadline to October 28th and the deposition to November 4th.¹⁶²

On October 27, 2021, Mr. Woodward emailed to request an additional extension, and the Select Committee granted that request, postponing the production deadline to November 4th and the deposition to November 12th.¹⁶³

On November 2, 2021, Mr. Woodward emailed to express difficulty in meeting the document production deadline. The following day, the Select Committee agreed to an additional production postponement to November 5th.¹⁶⁴

On November 5, 2021, rather than produce any responsive documents in his client’s possession, Mr. Woodward communicated by letter that his client would not be producing any documents. Instead, he asserted vague claims of executive privilege that were purportedly relayed by the former President, but which have never been presented by the former President to the Select Committee.¹⁶⁵ Mr. Woodward’s letter cited an attached October 6, 2021, letter from former-President Trump’s counsel Justin Clark to Mr. Scavino that instructed him to “invoke any immunities and privileges you may have from compelled testimony,” “not produce any documents concerning your official duties,” and “not provide any testimony concerning your official duties.”¹⁶⁶

On November 9, 2021, the Select Committee Chairman responded to Mr. Woodward requesting that Mr. Scavino provide a “privilege log that specifically identifies each document and each privilege that he believes applies,” and explained to Mr. Scavino that “categorical claims of executive privilege are improper, and any claim of executive privilege must be asserted narrowly and specifically.” The Chairman also reminded Mr. Woodward that the subpoena demanded “all communications including those conducted on Mr. Scavino’s personal social media or other accounts and with outside parties whose inclusion in a communication with Mr. Scavino would mean that no executive privilege claim can be applicable.”¹⁶⁷

The November 9th letter also detailed, at Mr. Woodward’s request, the various specific topics the Select Committee wished to discuss with Mr. Scavino at his deposition scheduled for November 12, 2021, and requested that Mr. Woodward identify topics that he agreed did not implicate any privileges and identify with specificity any privileges that did apply to each specific topic.

On November 10, 2021, following correspondence with Mr. Woodward, the Select Committee agreed to an additional extension to November 15, 2021, for document production and November 19, 2021, for the deposition, to allow Mr. Woodward additional time to discuss the November 9th letter with his client.¹⁶⁸

On November 15th, Mr. Woodward sent a letter refusing to provide the requested

privilege log and asserted that a such log would undermine the former President's assertions of privilege. Instead, Mr. Woodward identified categories of documents he believed to be privileged, including communications between Mr. Scavino and Members of Congress, and between Mr. Scavino and "non-Government third-parties."¹⁶⁹

On November 18, 2021, Mr. Woodward sent another letter wherein he, for the first time, and following weeks of discussions about the items listed in the October 6th subpoena, challenged the service of that subpoena as deficient. He also challenged the Select Committee's legislative purpose and demanded that the Select Committee provide a detailed explanation of the pertinence of every line of inquiry it intended to pursue at the scheduled deposition.¹⁷⁰

On November 23, 2021, the Select Committee issued yet another subpoena to Mr. Scavino, whose counsel agreed to accept service.¹⁷¹ The November 23rd subpoena granted a final extension of the document production deadline to November 29, 2021, and the deposition to December 1, 2021. The same day, the Select Committee transmitted a letter explaining the relevance of Mr. Scavino's testimony to the Select Committee's authorizing resolution and responding to the numerous specious objections in the November 18th letter.¹⁷²

On November 26, 2021, Mr. Woodward again wrote to the Select Committee and declined to comply with the subpoena for documents and testimony unless the Select Committee provided a detailed explanation of the pertinence of each of its expected questions and lines of inquiry for Mr. Scavino.¹⁷³ He also reasserted Mr. Scavino's refusal to testify in light of *Trump v. Thompson*,¹⁷⁴ the since-resolved litigation regarding Mr. Trump's ability to assert executive privilege over documents the incumbent President has already approved for release.

Mr. Scavino failed to produce any documents by the November 29, 2021, deadline, and did not appear for his deposition on December 1, 2021.¹⁷⁵

On December 9, 2021, the Select Committee sent a letter to Mr. Woodward documenting Mr. Scavino's failure to comply with the subpoena and informing him that the Select Committee would proceed to enforcement.¹⁷⁶

On December 13, 2021, Mr. Woodward responded in a letter disputing that Mr. Scavino had failed to cooperate with the investigation and reiterating many of his previous objections.¹⁷⁷

On February 4, 2022, in light of the Supreme Court's denial of a stay and injunction sought by former-President Trump in *Trump v. Thompson*,¹⁷⁸ to prevent the National Archives from providing documents to the Select Committee on the basis of executive privilege, the Select Committee again contacted Mr. Scavino and gave him an additional opportunity to comply.¹⁷⁹

On February 8, 2022, Mr. Woodward responded, asserting that Mr. Scavino still intended to withhold information at Mr. Trump's direction until the ultimate resolution of Mr. Trump's claims.¹⁸⁰

C. Mr. Scavino's purported basis for non-compliance is wholly without merit.

Congress has the power to compel witnesses to testify and produce documents.¹⁸¹ An individual—whether a member of the public or an executive branch official—has a legal (and patriotic) obligation to comply with a duly issued and valid congressional subpoena, unless a valid and overriding privilege or other legal justification permits non-compliance.¹⁸² In *United States v. Bryan*, the Supreme Court stated:

A subpoena has never been treated as an invitation to a game of hare and hounds, in

which the witness must testify only if cornered at the end of the chase. If that were the case, then, indeed, the great power of testimonial compulsion, so necessary to the effective functioning of courts and legislatures, would be a nullity. We have often iterated the importance of this public duty, which every person within the jurisdiction of the Government is bound to perform when properly summoned.¹⁸³

It is important to note that the Select Committee sought testimony from Mr. Scavino on topics and interactions as to which there can be no conceivable privilege claim. Examples of those are provided below. The Select Committee is entitled to Mr. Scavino's testimony on each of them, regardless of his claims of privilege over other categories of information and communications. In *United States v. Nixon*, 418 U.S. 683, 703-16 (1974), the Supreme Court recognized an implied constitutional privilege protecting Presidential communications. The Court held though that the privilege is qualified, not absolute, and that it is limited to communications made "in performance of [a President's] responsibilities of his office and made in the process of shaping policies and making decisions."¹⁸⁴

Executive privilege is a recognized privilege that, under certain circumstances, may be invoked to bar congressional inquiry into communications covered by the privilege. Mr. Scavino has refused to testify in response to the subpoena ostensibly based on broad assertions of executive privilege purportedly asserted by former-President Trump. Even if any such privilege may have been applicable to some aspect of Mr. Scavino's testimony, he was required to produce a privilege log noting any applicable privileges with specificity and to appear before the Select Committee for his deposition, answer any questions concerning non-privileged information, and assert any such privilege on a question-by-question basis.

1. President Biden decided not to invoke executive privilege to prevent testimony by Mr. Scavino, and Mr. Trump has not invoked executive privilege with respect to Mr. Scavino.

As described above, President Biden considered whether to invoke executive privilege and whether to assert immunity with regard to the subpoena for Mr. Scavino.¹⁸⁵ He declined to do so with respect to particular subjects within the purview of the Select Committee, and the White House informed Mr. Scavino's counsel of that decision in a letter on March 15, 2022.¹⁸⁶ President Biden made this determination based on his assessment of the "unique and extraordinary nature of the matters under investigation."¹⁸⁷

Former-President Trump has had no communication with the Select Committee. In a November 5th letter to the Select Committee, Mr. Scavino's attorney referred to correspondence from former-President Trump's attorney, Justin Clark, in which Mr. Clark asserted that the Select Committee subpoena seeks information that is "protected from disclosure by the executive and other privileges, including among others the presidential communications, deliberative process, and attorney-client privileges."¹⁸⁸ The Committee has received no such correspondence from or on behalf of former-President Trump. Without a formal assertion of executive privilege by Mr. Trump to the Select Committee, Mr. Scavino cannot establish the foundational element of a claim of executive privilege: an invocation of the privilege by the executive.

In *United States v. Reynolds*, 345 U.S. 1, 7-8 (1953), the Supreme Court held that executive privilege:

[B]elongs to the Government and must be asserted by it; it can neither be claimed nor

waived by a private party. It is not to be lightly invoked. There must a formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by that officer.¹⁸⁹

Here, the Select Committee has not been provided with any formal invocation of executive privilege by the President or the former President or any other employee of the executive branch. Mr. Scavino's third-hand, categorical assertion of privilege, without any description of the specific documents or specific testimony over which privilege is claimed, is insufficient to activate a claim of executive privilege.

2. Even if Mr. Trump had actually invoked executive privilege, the privilege would not bar the Select Committee from lawfully obtaining the documents and testimony it seeks from Mr. Scavino.

Executive privilege does not extend to discussions relating to non-governmental business or among private citizens.¹⁹⁰ In *In re Sealed Case (Espy)*, the D.C. Circuit explained that the Presidential communications privilege "only applies to communications [with close Presidential advisers] in the course of performing their function of advising the President on official government matters."¹⁹¹ The court stressed: "The Presidential communications privilege should never serve as a means of shielding information regarding governmental operations that do not call ultimately for direct decision-making by the President."¹⁹² As noted by the Supreme Court, the privilege is "limited to communications 'in performance of [a President's] responsibilities,' 'of his office,' and made 'in the process of shaping policies and making decisions.'"¹⁹³ And the D.C. Circuit recently considered and rejected former-President Trump's executive privilege assertions over information sought by the Select Committee. That court concluded that "the profound interests in disclosure advanced by President Biden and the January 6th Committee far exceed his generalized concerns for Executive Branch confidentiality."¹⁹⁴

The Select Committee seeks information from Mr. Scavino on a wide range of subjects that it is inconceivable executive privilege would reach. For example, the Select Committee seeks information from Mr. Scavino about his interactions with private citizens, Members of Congress, or others outside the White House related to the 2020 election or efforts to overturn its results. And, among other things, the Select Committee also seeks information from Mr. Scavino about his use of personal communications accounts and devices.

Even with respect to Select Committee inquiries that involve Mr. Scavino's direct communications with Mr. Trump, it is well-established that executive privilege does not bar Select Committee access to that information. Only communications that relate to official Government business and Presidential decision-making on those official matters can be covered by the Presidential communications privilege.¹⁹⁵ Here, Mr. Scavino's conduct regarding several subjects of concern to the Select Committee is not related to official Government business. These include Mr. Scavino's participation in calls and meetings that clearly concerned Mr. Trump's campaign rather than his official Government business; participation in meetings with Mr. Trump and others about a strategy for reversing the outcome of the 2020 election; or efforts to promote the January 6th rally on the Ellipse.

Moreover, even with respect to any subjects of concern that arguably involve official Government business, executive privilege is a qualified privilege and the Select

Committee's need for this information to investigate the facts and circumstances surrounding the January 6th assault on the U.S. Capitol and the Nation's democratic institutions far outweighs any executive branch interest in maintaining confidentiality.¹⁹⁶ As noted by the White House, "an assertion of executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee."¹⁹⁷

3. *Mr. Scavino is not immune from testifying or producing documents in response to the subpoena.*

Even if some aspect of Mr. Scavino's testimony was shielded by executive privilege, he was required to appear for his deposition and assert executive privilege on a question-by-question basis.¹⁹⁸ Mr. Scavino's refusal to do so made it impossible for the Select Committee to consider any good-faith executive privilege assertions.

Mr. Scavino has refused to appear for a deposition based on his purported reliance on alleged "absolute testimonial immunity." No court has recognized any such immunity, and Mr. Scavino has not provided any rationale for applying any form of immunity to his unofficial actions assisting Mr. Trump's campaign to overturn the election. President Biden—who now serves as the President—has declined to assert immunity in response to the subpoena to Mr. Scavino.

As noted above,¹⁹⁹ the general theory that a current or former White House senior advisor may be immune from testifying before Congress is based entirely on internal memoranda from OLC, and courts have uniformly rejected this theory.²⁰⁰ But, as was also noted above,²⁰¹ those internal OLC memoranda do not address a situation in which the incumbent President has decided to not assert privilege, and by their own terms they apply only to testimony "about [a senior official's] official duties," not testimony about unofficial actions or private conduct.²⁰²

Many of the topics Chairman THOMPSON identified in his correspondence with Mr. Scavino's counsel are unrelated to Mr. Scavino's official duties and would neither fall under the reach of any "absolute immunity" theory nor any privilege whatsoever. For instance:

- Mr. Scavino was not conducting official and privileged business to the extent he attended discussions regarding efforts to urge State legislators to overturn the results of the November 2020 election and guarantee a second term for Mr. Trump.

- Mr. Scavino was not conducting official and privileged business to the extent he assisted Mr. Trump with campaign-related social media communications, including communications recruiting a violent crowd to Washington, spreading false information regarding the 2020 election, and any other communications provoking violence on January 6th.

- Mr. Scavino was not conducting official and privileged business to the extent he communicated with organizers of the January 6, 2021, rally, including Kylie Kremer and Katrina Pierson, regarding messaging, speakers, and even his own appearance and scheduled remarks at the event, which was not an official White House event but rather a campaign appearance.²⁰³

- Mr. Scavino was not engaged in official and privileged business to the extent he used his personal social media accounts and devices to coordinate with Trump campaign officials, including Jason Miller, throughout the fall and winter of 2020 regarding messaging, campaign events, purported election fraud, and attempts to overturn the 2020 election results.²⁰⁴

- Mr. Scavino was not engaged in official and privileged business to the extent he

counseled Mr. Trump regarding whether, how, and when to challenge or concede the 2020 election.

The Select Committee specifically identified to Mr. Scavino these and other topics as subjects for his deposition testimony, and he had the legal obligation to appear before the Select Committee and address them on the record.

D. *Mr. Scavino's failure to appear or produce documents in response to the subpoena warrants holding Mr. Scavino in contempt.*

An individual who fails or refuses to comply with a House subpoena may be cited for contempt of Congress.²⁰⁵ Pursuant to 2 U.S.C. § 192, the willful refusal to comply with a congressional subpoena is punishable by a fine of up to \$100,000 and imprisonment for up to 1 year. A committee may vote to seek a contempt citation against a recalcitrant witness. This action is then reported to the House. If a contempt resolution is adopted by the House, the matter is referred to a U.S. Attorney, who has a duty to refer the matter to a grand jury for an indictment.²⁰⁶

In his November 9th and November 23rd letters to Mr. Scavino's counsel, the Chairman of the Select Committee advised Mr. Scavino that his claims of executive privilege were not well-founded and did not absolve him of his obligation to produce documents and testify in deposition.²⁰⁷ The Chairman made clear that the Select Committee expected Mr. Scavino to produce documents and to appear for his deposition, which was ultimately scheduled for December 1st. And on February 4, 2022, the Chairman again invited Mr. Scavino to appear before the Select Committee in light of the resolution of *Trump v. Thompson*. The Chairman again warned Mr. Scavino that his continued non-compliance would put him in jeopardy of a vote to refer him to the House to consider a criminal contempt referral. Mr. Scavino's failure to appear for deposition or produce responsive documents in the face of this clear advisement and warning by the Chairman constitutes a willful failure to comply with the subpoena.

SELECT COMMITTEE CONSIDERATION

The Select Committee met on Monday, March 28, 2022, with a quorum being present, to consider this Report and ordered it and the Resolution contained herein to be favorably reported to the House, without amendment, by a recorded vote of 9 ayes to 0 noes.

SELECT COMMITTEE VOTE

Clause 3(b) of rule XIII of the Rules of the U.S. House of Representatives requires the Select Committee to list the recorded votes during consideration of this Report:

1. A motion by Ms. CHENEY to report the Select Committee Report on a Resolution Recommending that the House of Representatives find Peter K. Navarro and Daniel Scavino, Jr., in Contempt of Congress for Refusal to Comply with Subpoenas Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol favorably to the House was agreed to by a recorded vote of 9 ayes to 0 noes (Rollcall No. 4).

Select Committee Rollcall No. 4

Motion by Ms. Cheney to Favorably Report
Agreed to: 9 ayes to 0 noes

Members	Vote
Ms. Cheney, Vice Chair	Aye
Ms. Lofgren	Aye
Mr. Schiff	Aye
Mr. Aguilar	Aye
Mrs. Murphy (FL)	Aye
Mr. Raskin	Aye

Select Committee Rollcall No. 4—Continued

Motion by Ms. Cheney to Favorably Report
Agreed to: 9 ayes to 0 noes

Members	Vote
Mrs. Luria	Aye
Mr. Kinzinger	Aye
Mr. Thompson (MS), Chairman ...	Aye

SELECT COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Select Committee advises that the oversight findings and recommendations of the Select Committee are incorporated in the descriptive portions of this Report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Select Committee finds the requirements of clause 3(c)(2) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, to be inapplicable to this Report. Accordingly, the Select Committee did not request or receive a cost estimate from the Congressional Budget Office and makes no findings as to the budgetary impacts of this Report or costs incurred to carry out the Report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of this Report is to enforce the Select Committee's authority to investigate the facts, circumstances, and causes of the January 6th attack and issues relating to the interference with the peaceful transfer of power, in order to identify and evaluate problems and to recommend corrective laws, policies, procedures, rules, or regulations; and to enforce the Select Committee's subpoena authority found in section 5(c)(4) of House Resolution 503.

ENDNOTES

¹ Peter Navarro, *In Trump Time: My Journal of America's Plague Year*, (All Seasons Press, 2021), at pp. 251–52.

² Jose Pagliery, "Trump Adviser Peter Navarro Lays Out How He and Bannon Planned to Overturn Biden's Electoral Win," *The Daily Beast*, (December 27, 2021), available at <https://www.thedailybeast.com/trump-advisor-peter-navarro-lays-out-how-he-and-steve-bannon-planned-to-overturn-bidens-electoral-win>.

³ Peter Navarro, "The Navarro Report," (2020, updated 2021), available at <https://peternavarro.com/the-navarro-report/>.

⁴ See Appendix I, Ex. 1.

⁵ See Appendix I, Ex. 2.

⁶ Scott MacFarlane (@MacFarlaneNews), Twitter, Feb. 9, 2022 5:38 p.m. ET, available at <https://twitter.com/MacFarlaneNews/status/1491542034662019078>.

⁷ "Transcript: The Beat with Ari Melber, 2/10/22," MSNBC, (Feb. 10, 2022), available at <https://www.msnbc.com/transcripts/the-beat-with-ari-melber/transcript-beat-ari-melber-2-10-22-n1289032>.

⁸ See Appendix I, Ex. 3.

⁹ See Appendix I, Ex. 4.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See Appendix I, Ex. 5.

¹⁶ See Appendix I, Ex. 6.

¹⁷ *Id.*

¹⁸ See Appendix I, Ex. 7.

¹⁹ *Id.*

²⁰ See Appendix I, Ex. 8.

²¹ Ryan Nobles, Paula Reid, and Annie Grayer, "Trump adviser Peter Navarro skips scheduled deposition with January 6 committee," CNN, (March 2, 2022), available at <https://www.cnn.com/2022/03/02/politics/peter-navarro-january-6/index.html>.

²² *Id.*

²³ *United States v. Bryan*, 339 U.S. 323, 331 (1950).

²⁴ *Trump v. Mazars USA LLP*, 140 S.Ct. 2019, 2036 (2020) (emphasis in original; internal quotation marks removed). See also *Watkins v. United States*, 354 U.S. 178, 187–88 (1957) (stating of citizens that "It is their unremitting obligation to respond to subpoenas, to respect the dignity of the Congress and

its committees, and to testify fully with respect to matters within the province of proper investigation.”).

²⁵ The prison term for this offense makes it a Class A misdemeanor. 18 U.S.C. § 3559(a)(6). By that classification, the penalty for contempt of Congress specified in 2 U.S.C. § 192 increased from \$1,000 to \$100,000. 18 U.S.C. § 3571(b)(5).

²⁶ As explained below, the Chairman issued three subpoenas to Mr. Scavino. The first was dated September 23, 2021, but could not be served because Mr. Scavino could not be located. The second was dated October 6, 2021, and was served on October 8, 2021. After Mr. Scavino challenged service of the second subpoena, the Chairman issued a third on November 23, 2021, and electronically served it on Mr. Scavino's attorney.

²⁷ See Appendix II, Ex. 1.

²⁸ *Id.*

²⁹ See Appendix II, Ex. 2.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ See Appendix II, Ex. 3.

³⁴ See Appendix II, Ex. 4. See also *Trump v. Thompson*, 2021 U.S. App. LEXIS 36315, at *46 (D.C. Cir. Dec. 9, 2021), *cert. denied*, 2022 U.S. LEXIS 796 (U.S., Feb. 22, 2022).

³⁵ See Appendix II, Ex. 5.

³⁶ *Id.*

³⁷ *United States v. Bryan*, 339 U.S. 323, 331 (1950).

³⁸ See *supra*, at note 24.

³⁹ See *supra*, at note 25.

⁴⁰ H. Res. 503, 117th Cong., § 3(1) (2021)

⁴¹ *Id.*

⁴² *Watkins v. United States*, 354 U.S. 178, 187 (1957). See also *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020).

⁴³ *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927).

⁴⁴ *Ashland Oil, Inc. v. FTC*, 409 F.Supp. 297, 305 (D.D.C. 1976), *aff'd*, 548 F.2d 977 (D.C. Cir. 1976) (quoting *McGrain*, 273 U.S. at 175).

⁴⁵ Pub. L. 79-601, 79th Cong. § 136, (1946).

⁴⁶ Pub. L. 91-510, 91st Cong. § 118, (1970).

⁴⁷ Speaker Pelosi detailed such consultation and her selection decisions in a July 21, 2021, press release, available at <https://www.speaker.gov/newsroom/72121-2>.

⁴⁸ 167 Cong. Rec. 115 (July 1, 2021), at p. H3597 and 167 Cong. Rec. 130 (July 26, 2021), at p. H3885. The January 4, 2021, order of the House provides that the Speaker is authorized to accept resignations and to make appointments authorized by law or by the House. See 167 Cong. Rec. 2 (Jan. 4, 2021), at p. H37.

⁴⁹ House rule XI, cl. 2(m)(1)(B), 117th Cong., (2021); H. Res. 503, 117th Cong. § 5(c)(4), (2021).

⁵⁰ H. Res. 503, 117th Cong. § 5(c)(6), (2021).

⁵¹ H. Res. 503, 117th Cong. § 3(1) (2021).

⁵² Exec. Order No. 13797, 82 Fed. Reg. 20821 (April 29, 2017).

⁵³ *Id.*, at § 2.

⁵⁴ *Id.*, at § 3.

⁵⁵ Exec. Order No. 13911, 85 Fed. Reg. 18403 (Mar. 27, 2020), at § 1, 6.

⁵⁶ Federal law requires a separation of duties for Federal officials who decide to engage in campaign activities. The Hatch Act generally prohibits officials, such as Mr. Navarro, from using their official authority or influence to affect the outcome of an election. See 5 U.S.C. § 7323(a); 5 C.F.R. § 734.101 (defining “political activity”); 5 C.F.R. § 734.302 (prohibiting use of official title while engaged in political activity). This would have prevented Mr. Navarro from acting as both a White House official and as a campaign official on certain matters or communications. See also “Investigation of Political Activities by Senior Trump Administration Officials During the 2020 Presidential election,” Report of the Office of Special Counsel, (Nov. 9, 2021), at pp. 17, 22–23.

⁵⁷ Peter Navarro, “The Navarro Report,” (2020, updated 2021), available at <https://peternavarro.com/the-navarro-report/>.

⁵⁸ “Peter Navarro ‘The Immaculate Deception’ Report News Conference Transcript,” (Dec. 17, 2020), available at <https://www.rev.com/blog/transcripts/peter-navarro-the-immaculate-deception-report-news-conference-transcript>.

⁵⁹ Documents on file with the Select Committee.

⁶⁰ Donald Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 1:42 a.m. ET, available at http://web.archive.org/web/20201225035520mp/_https://twitter.com/realDonaldTrump/status/1340185773220515840 (archived).

⁶¹ Tom Dickinson, “Peter Navarro: Trump Distributed Bogus Election Fraud Research to ‘Every’ congressional Republican,” *Rolling Stone*, (Jan. 3, 2022) available at <https://www.rollingstone.com/politics/politics-news/peter-navarro-interview-jan-6-electoral-college-1277938/>.

⁶² Documents on file with the Select Committee.

⁶³ Documents on file with the Select Committee. See also *Gohmert, et al. v. Pence*, 510 F. Supp. 3d 435 (E.D. Tex. 2021).

⁶⁴ Paul Bedard, “Exclusive: Trump urges state legislators to reject electoral votes, ‘You are the real power,’” *Washington Examiner*, (Jan. 3, 2021), available at <https://www.washingtonexaminer.com/washington-secrets/exclusive-trump-urges-state-legislators-to-reject-electoral-votes-you-are-the-real-power>.

⁶⁵ *Id.*

⁶⁶ Documents on file with the Select Committee.

⁶⁷ Navarro, *In Trump Time* (2021).

⁶⁸ *Id.*, at p. 225.

⁶⁹ *Id.*, at pp. 241–42.

⁷⁰ See, e.g., *id.*

⁷¹ *Id.*

⁷² *Id.*, at pp. 251–52.

⁷³ *Id.*, at p. 252.

⁷⁴ Documents on file with the Select Committee.

⁷⁵ Documents on file with the Select Committee.

⁷⁶ Tom Dickinson, “Peter Navarro: Trump Distributed Bogus Election Fraud Research to ‘Every’ Congressional Republican,” *Rolling Stone*, (Jan. 3, 2022) available at <https://www.rollingstone.com/politics/politics-news/peter-navarro-interview-jan-6-electoral-college-1277938/>.

⁷⁷ See Appendix I, Ex. 1.

⁷⁸ *Id.*

⁷⁹ See Appendix I, Ex. 8.

⁸⁰ *McGrain*, 273 U.S. at 174 (“We are of opinion that the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function.”); *Barenblatt v. United States*, 360 U.S. 109, 111 (1959) (“The scope of the power of inquiry, in short, is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.”).

⁸¹ *Watkins*, 354 U.S. at 187–88 (“It is unquestionably the duty of all citizens to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action.”); see also *Committee on the Judiciary v. Miers*, 558 F. Supp.2d 53, 99 (D.D.C. 2008) (“The Supreme Court has made it abundantly clear that compliance with a congressional subpoena is a legal requirement.”) (citing *United States v. Bryan*, 339 U.S. 323, 331 (1950)).

⁸² *United States v. Bryan*, 339 U.S. 323, 331 (1950).

⁸³ *United States v. Nixon*, 418 U.S. 683, 703–16 (1974).

⁸⁴ *Nixon v. Administrator of General Services (GSA)*, 433 U.S. 425, 449 (1977) (internal quotes and citations omitted).

⁸⁵ *Trump v. Thompson*, 2021 U.S. App. LEXIS 36315, at *46 (D.C. Cir. Dec. 9, 2021), *cert. denied*, 2022 U.S. LEXIS 796 (U.S., Feb. 22, 2022).

⁸⁶ See Appendix I, Ex. 2.

⁸⁷ See Appendix I, Ex. 6.

⁸⁸ See also *United States v. Burr*, 25 F. Cas. 187, 192 (CCD Va. 1807) (ruling that President Jefferson had to personally identify the passages he deemed confidential and could not leave this determination to the U.S. Attorney).

⁸⁹ Indeed, as noted above, President Biden has determined that no assertion of executive privilege is warranted by Mr. Navarro with respect to the areas of inquiry by the Select Committee. See Appendix I, Ex. 6.

⁹⁰ See *Nixon v. GSA*, 433 U.S. at 449.

⁹¹ *In re Sealed Case (Espy)*, 121 F.3d 729, 752 (D.C. Cir. 1997).

⁹² Navarro, *In Trump Time*, at pp. 241–42.

⁹³ See, e.g., *id.*, at p. 222.

⁹⁴ See, e.g., *id.*, at p. 266–72.

⁹⁵ See, e.g., *Espy*, 121 F.3d at 741–42 (discussing waiver and concluding that “the White House has waived its claims of [executive] privilege in regard to the specific documents that it voluntarily revealed to third parties outside the White House”).

⁹⁶ See *Espy*, 121 F.3d at 752 (“the privilege only applies to communications . . . in the course of performing their function of advising the President on official government matters”); *cf. In re Lindsey*, 148 F.3d 1100, 1106 (D.C. Cir. 1998) (Deputy White House Counsel’s “advice [to the President] on political, strategic, or policy issues, valuable as it may have been, would not be shielded from disclosure by the attorney-client privilege”).

⁹⁷ *Espy*, 121 F.3d at 752.

⁹⁸ See *supra*, at note 56.

⁹⁹ *Trump v. Thompson*, 2021 U.S. App. 36315 (D.C. Cir. Dec. 9, 2021).

¹⁰⁰ See Appendix I, Ex. 6.

¹⁰¹ See *Committee on the Judiciary v. McGahn*, 415 F. Supp.3d 148, 214 (D.D.C. 2019) (and subsequent history) (“‘To make the point as plain as possible, it is clear to this Court for the reasons explained above that, with respect to senior-level presidential aides, absolute immunity from compelled congressional process simply does not exist.”); *Committee on the Ju-*

diciary v. Miers, 558 F. Supp.2d 53, 101 (D.D.C. 2008) (holding that White House counsel may not refuse to testify based on direction from the President that testimony will implicate executive privilege).

¹⁰² *Id.*

¹⁰³ See, e.g., Memorandum Opinion for the Counsel to the President, Office of Legal Counsel, *Testimonial Immunity Before Congress of the Former Counsel to the President*, 43 O.L.C. at 1 (May 20, 2019) (Slip Opinion); Letter Opinion for the Counsel to the President, *Testimonial Immunity Before Congress of the Assistant to the President and Senior Counselor to the President*, 43 O.L.C. 1 at 1 (July 12, 2019) (Slip Opinion).

¹⁰⁴ See, e.g., Memorandum for the Honorable John W. Dean III, Counsel to the President, from Ralph E. Erickson, Assistant Attorney General, Office of Legal Counsel, *Re: Appearance of Presidential Assistant Peter M. Flanigan Before a Congressional Committee* at 1 (Mar. 15, 1972) (emphasis added).

¹⁰⁵ *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491 (1975).

¹⁰⁶ See 2 U.S.C. § 194.

¹⁰⁷ See Appendix I, Ex. 4.

¹⁰⁸ Carol Leonnig and Phillip Rucker, *I Alone Can Fix It*, (New York: Penguin, 2021), at p. 377.

¹⁰⁹ Bob Woodward and Robert Costa, *Peril*, (New York: Simon & Schuster, 2021), at p. 231; Michael C. Bender, “Frankly, We Did Win This Election”: *The Inside Story of How Trump Lost*, (New York: Twelve Books, 2021), at p. 373.

¹¹⁰ Documents on file with the Select Committee.

¹¹¹ See Leonnig and Rucker, *I Alone Can Fix It*, at p. 465.

¹¹² Justin Hendrix, “TheDonald.win and President Trump’s Foreknowledge of the Attack on the Capitol,” *Just Security*, (Jan. 12, 2022), available at <https://www.justsecurity.org/79813/thedonald-win-and-president-trumps-foreknowledge-of-the-attack-on-the-capitol/> (discussing Mr. Scavino’s social media practices for the President and noting that “[t]he sharing of specific techniques, tactics, and procedures for the assault on the Capitol started on The Donald in earnest on December 19, 2020 . . .”).

¹¹³ See *supra*, at note 56. Mr. Scavino was subject to the same restrictions on campaign activities as Mr. Navarro.

¹¹⁴ Andrew Restuccia, Daniel Lippman, and Eliana Johnson, “‘Get Scavino in here’: Trump’s Twitter guru is the ultimate insider,” *Politico*, (May 16, 2019), available at <https://www.politico.com/story/2019/05/16/trump-scavino-1327921>; Justin Hendrix, “TheDonald.win and President Trump’s Foreknowledge of the Attack on the Capitol,” *Just Security* (Jan. 12, 2022), available at <https://www.justsecurity.org/79813/thedonald-win-and-president-trumps-foreknowledge-of-the-attack-on-the-capitol/>; Woodward and Costa, *Peril*, at p. 231; Documents on file with the Select Committee.

¹¹⁵ Andrew Restuccia, Daniel Lippman, and Eliana Johnson, “‘Get Scavino in here’: Trump’s Twitter guru is the ultimate insider,” *Politico*, (May 16, 2019), available at <https://www.politico.com/story/2019/05/16/trump-scavino-1327921>; Woodward and Costa, *Peril*, at p. 231; Documents on file with the Select Committee.

¹¹⁶ Donald Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 1:42 a.m. ET, available at http://web.archive.org/web/20201225035520mp/_https://twitter.com/realDonaldTrump/status/1340185773220515840 (archived).

¹¹⁷ Donald Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 9:41 a.m. ET, available at http://web.archive.org/web/20201225035301mp/_https://twitter.com/realDonaldTrump/status/1340306154031857665 (archived).

¹¹⁸ Donald Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 2:59 p.m. ET, available at http://web.archive.org/web/20201225035142mp/_https://twitter.com/realDonaldTrump/status/1340386251866828802 (archived).

¹¹⁹ Donald Trump (@realDonaldTrump), Twitter, Dec. 20, 2020 12:26 a.m. ET, available at http://web.archive.org/web/20201225035219mp/_https://twitter.com/realDonaldTrump/status/1340529063799246848 (archived).

¹²⁰ Donald Trump (@realDonaldTrump), Twitter, Dec. 22, 2020 10:29 a.m. ET, available at http://web.archive.org/web/20201227020442mp/_https://twitter.com/realDonaldTrump/status/1341405487057821698 (archived).

¹²¹ Donald Trump (@realDonaldTrump), Twitter, Dec. 26, 2020 9:00 a.m. ET, available at http://web.archive.org/web/2020101075201mp/_https://twitter.com/realDonaldTrump/status/1342832582606598144 (archived).

¹²² Donald Trump (@realDonaldTrump), Twitter, Dec. 26, 2020 8:14 a.m. ET, available at http://web.archive.org/web/20201230193535mp/_https://twitter.com/realDonaldTrump/status/1342821189077622792 (archived).

¹²³ Donald Trump (@realDonaldTrump), Twitter, Dec. 28, 2020 4:00 p.m. ET, available at http://web.archive.org/web/20201230195203mp_/https://twitter.com/realDonaldTrump/status/1343663159085834248 (archived).

¹²⁴ Donald Trump (@realDonaldTrump), Twitter, Dec. 30, 2020 2:38 p.m. ET, available at http://web.archive.org/web/20201230212259mp_/https://twitter.com/realDonaldTrump/status/1344367336715857921 (archived).

¹²⁵ Donald Trump (@realDonaldTrump), Twitter, Jan. 4, 2021 10:07 a.m. ET, available at http://web.archive.org/web/20210106204726mp_/https://twitter.com/realDonaldTrump/status/1346110956078817280 (archived).

¹²⁶ Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 1:00 a.m. ET, available at http://web.archive.org/web/20210106204711mp_/https://twitter.com/realDonaldTrump/status/1346698217304584192 (archived).

¹²⁷ Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 8:17 a.m. ET, available at http://web.archive.org/web/20210106204708mp_/https://twitter.com/realDonaldTrump/status/1346808075626426371 (archived).

¹²⁸ Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:24 p.m. ET, available at http://web.archive.org/web/20210106204701mp_/http://www.twitter.com/realDonaldTrump/status/134690043450240897 (archived).

¹²⁹ Justin Hendrix, “TheDonald.win and President Trump’s Foreknowledge of the Attack on the Capitol,” Just Security, (Jan. 12, 2022), available at <https://www.justsecurity.org/79813/thedonald-win-and-president-trumps-foreknowledge-of-the-attack-on-the-capitol/>; Ryan Goodman and Justin Hendrix, “The Absence of ‘The Donald,’” Just Security, (Dec. 6, 2021), available at <https://www.justsecurity.org/79446/the-absence-of-the-donald/> (noting that a post discussing President Trump’s December 19, 2020 “Wild Protest” tweet as a call to come to Washington, DC, for January 6th was “pinned” to the top of the website).

¹³⁰ Amrita Khalid, “Donald Trump participated in a Reddit AMA, but not much of anything was revealed,” daily dot, (July 27, 2016, updated May 26, 2021), available at <https://www.dailydot.com/debug/donald-trump-reddit-ama-fail/>.

¹³¹ Mike Isaac, “Reddit, Acting Against Hate Speech, Bans ‘The Donald’ Subreddit,” *New York Times*, (June 29, 2020, updated Jan. 27, 2021), available at <https://www.nytimes.com/2020/06/29/technology/reddit-hate-speech.html>.

¹³² Craig Timberg and Drew Harwell, “TheDonald’s owner speaks out on why he finally pulled plug on hate-filled site,” *Washington Post*, (Feb. 5, 2021), available at <https://www.washingtonpost.com/technology/2021/02/05/why-the-donald-moderator-left/>.

¹³³ Ben Schreckinger, “World War Meme,” *Politico Magazine*, (March/April 2017), available at <https://www.politico.com/magazine/story/2017/03/memes-4chan-trump-supporters-trolls-internet-214856/>.

¹³⁴ *Id.*

¹³⁵ Daniella Silva, “President Trump Tweets Wrestling Video of Himself Attacking ‘CNN,’” NBC News, (July 2, 2017), available at <https://www.nbcnews.com/politics/donald-trump/president-trump-tweets-wwe-video-himself-attacking-cnn-n779031>.

¹³⁶ *Id.*

¹³⁷ Andrew Restuccia, Daniel Lippman, and Eliana Johnson, “‘Get Scavino in here’: Trump’s Twitter guru is the ultimate insider,” *Politico*, (May 16, 2019),

available at <https://www.politico.com/story/2019/05/16/trump-scavino-1327921>.

¹³⁸ Justin Hendrix, “TheDonald.win and President Trump’s Foreknowledge of the Attack on the Capitol,” Just Security, (Jan. 12, 2022), available at <https://www.justsecurity.org/79813/thedonald-win-and-president-trumps-foreknowledge-of-the-attack-on-the-capitol/>.

¹³⁹ *Id.*

¹⁴⁰ SITE Intelligence Group, “How a Trump Tweet Sparked Plots, Strategizing to ‘Storm and Occupy’ Capitol with ‘Handcuffs and Zip Ties,’” (Jan. 9, 2021), available at <https://ent.siteintelgroup.com/Far-Right-/Far-Left-Threat/how-a-trump-tweet-sparked-plots-strategizing-to-storm-and-occupy-capitol-with-handcuffs-and-zip-ties.html>.

¹⁴¹ *Id.*

¹⁴² Alex Thomas, “Team Trump was in bed with on-line insurrectionists before he was even elected,” daily dot, (Jan. 15, 2021, updated Feb. 15, 2021), available at <https://www.dailydot.com/debug/dan-scavino-reddit-donald-trump-disinformation/>.

¹⁴³ *Id.*

¹⁴⁴ SITE Intelligence Group, “How a Trump Tweet Sparked Plots, Strategizing to ‘Storm and Occupy’ Capitol with ‘Handcuffs and Zip Ties,’” (Jan. 9, 2021), available at <https://ent.siteintelgroup.com/Far-Right-/Far-Left-Threat/how-a-trump-tweet-sparked-plots-strategizing-to-storm-and-occupy-capitol-with-handcuffs-and-zip-ties.html>.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ Donald Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 10:24 a.m. ET, available at <https://web.archive.org/web/20201219182441https://twitter.com/realDonaldTrump/status/1340362336390004737> (archived).

¹⁴⁸ Justin Hendrix, “TheDonald.win and President Trump’s Foreknowledge of the Attack on the Capitol,” Just Security (Jan. 12, 2022), available at <https://www.justsecurity.org/79813/thedonald-win-and-president-trumps-foreknowledge-of-the-attack-on-the-capitol/>.

¹⁴⁹ Dan Scavino Jr.[American flag][Eagle] (@DanScavino), Twitter, Oct. 16, 2020, 8:26 p.m. ET, available at <https://twitter.com/DanScavino/status/1317260632308224000>.

¹⁵⁰ Dan Scavino Jr.[American flag][Eagle] (@DanScavino), “[Video; <https://twitter.com/i/status/1324578313420111872>]” Twitter, Nov. 6, 2020, 12:04 a.m. ET, available at <https://twitter.com/DanScavino/status/1324578313420111872>.

¹⁵¹ Dan Scavino Jr.[American flag][Eagle] (@DanScavino), Twitter, Dec. 6, 2020, 12:34 a.m. ET, available at <https://twitter.com/DanScavino/status/1335457640072310784>.

¹⁵² Dan Scavino Jr.[American flag][Eagle] (@DanScavino), “[Video; <https://twitter.com/i/status/1345551501440245762>]” Twitter, Jan. 2, 2021, 9:04 p.m. ET, available at <https://twitter.com/danscavino/status/1345551501440245762>.

¹⁵³ Criminal Complaint, *United States of America v. Ronald L. Sandlin*, (D.D.C.) (No. 21-cr-00088) (Jan. 20, 2020), available at <https://www.justice.gov/opa/page/file/1362396/download>.

¹⁵⁴ Indictment, *United States of America v. Marshall Neefe and Charles Bradford Smith*, (D.D.C.) (No. 21-cr-567) (Sept. 8, 2021), ECF 1, at p. 6, available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1432686/download>.

¹⁵⁵ First Superseding Indictment, *United States of America v. Caldwell et al.*, (D.D.C.) (No. 21-cr-28) (Feb. 19, 2021) ECF 27, at p. 9, available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1369071/download>.

www.justice.gov/usao-dc/case-multi-defendant/file/1369071/download.

¹⁵⁶ See Appendix II, Ex. 6.

¹⁵⁷ *Id.*

¹⁵⁸ See Appendix II, Ex. 1.

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ See Appendix II, Ex. 2.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ See Appendix II, Ex. 7.

¹⁶⁶ *Id.*

¹⁶⁷ See Appendix II, Ex. 8.

¹⁶⁸ See Appendix II, Ex. 2.

¹⁶⁹ See Appendix II, Ex. 9.

¹⁷⁰ See Appendix II, Ex. 10.

¹⁷¹ See Appendix II, Ex. 11.

¹⁷² See Appendix II, Ex. 3.

¹⁷³ See Appendix II, Ex. 12.

¹⁷⁴ (D.C. Cir., No. 21-5254) (appeal from D.D.C. No. 21-cv-02769).

¹⁷⁵ See Appendix II, Ex. 13.

¹⁷⁶ See Appendix II, Ex. 14.

¹⁷⁷ See Appendix II, Ex. 15.

¹⁷⁸ 595 U.S. (2022) (No. 21A272) (Jan. 19, 2022).

¹⁷⁹ See Appendix II, Ex. 4.

¹⁸⁰ See Appendix II, Ex. 16.

¹⁸¹ See *supra*, at note 80.

¹⁸² See *supra*, at note 81.

¹⁸³ *United States v. Bryan*, 339 U.S. 323, 331 (1950).

¹⁸⁴ *Nixon v. Administrator of General Services (GSA)*, 433 U.S. 425, 449 (1977) (internal quotes and citations omitted).

¹⁸⁵ See Appendix II, Ex. 5.

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ See Appendix II, Ex. 7.

¹⁸⁹ See *also supra*, at note 88.

¹⁹⁰ *Nixon v. GSA*, 433 U.S. at 449.

¹⁹¹ *Espy*, 121 F.3d 729, 752 (D.C. Cir. 1997).

¹⁹² *Id.*

¹⁹³ *Nixon v. GSA*, 433 U.S. at 449 (quoting *U.S. v. Nixon*, 418 U.S. 683 (1974) (internal citations omitted)).

¹⁹⁴ *Trump v. Thompson*, 2021 U.S. App. LEXIS 36315, at *46 (D.C. Cir. Dec. 9, 2021).

¹⁹⁵ *Nixon v. GSA*, 433 U.S. at 449; *cf. In re Lindsey*, 148 F.3d 1100, 1106 (D.C. Cir. 1998) (Deputy White House Counsel’s “advice [to the President] on political, strategic, or policy issues, valuable as it may have been, would not be shielded from disclosure by the attorney-client privilege”).

¹⁹⁶ *Trump v. Thompson*, 2021 U.S. App. LEXIS 36315, at *46 (D.C. Cir. Dec. 9, 2021).

¹⁹⁷ See Appendix II, Ex. 5.

¹⁹⁸ *Committee on the Judiciary v. Miers*, 558 F. Supp.2d 53, 106 (D.D.C. 2008) (“Ms. Miers may assert executive privilege in response to any specific questions posed by the Committee” and “she must appear before the Committee to provide testimony, and invoke executive privilege where appropriate”).

¹⁹⁹ See *supra*, at notes 101–103.

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ Documents on file with the Select Committee.

²⁰⁴ Documents on file with the Select Committee.

²⁰⁵ *Eastland v. United States Servicemen’s Fund*, 421 U.S. 491, 515 (1975).

²⁰⁶ See 2 U.S.C. § 194.

²⁰⁷ See Appendix II, Exs. 8, 11.

Appendix I

Exhibit 1 — Subpoena to Peter K. Navarro (Feb. 9, 2022)

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE
CONGRESS OF THE UNITED STATES OF AMERICATo Peter K. NavarroYou are hereby commanded to be and appear before the
Select Committee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

- ☒
- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: [REDACTED]Date: February 23, 2022Time: 10:00 AM

- ☒
- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: United States Capitol Building, Washington, DC 20515, or by videoconferenceDate: March 2, 2022Time: 10:00 AM

- ☐
- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

To any authorized staff member or the United States Marshals Service

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at
the city of Washington, D.C. this 9th day of February, 2022.

Attest:

Clerk

Bonnie A. Thompson
Chairman or Authorized Member

Served by (print name) _____

Title _____

Manner of service _____

Date _____

Signature of Server _____

Address _____

BENNY G. THOMPSON, MISSISSIPPI
CHAIRMAN

JOE LOFGREN, CALIFORNIA
KERRY B. DUFFY, CALIFORNIA
PETE ABRAHAM, CALIFORNIA
STEPHEN L. MURPHY, FLORIDA
DAVE REESER, MARYLAND
ELAINE CLUBB, VIRGINIA
JOY CHENEY, WYOMING
ADAM KOSOVE, ILLINOIS



U.S. House of Representatives
Washington, DC 20515

benray@h.house.gov
1203 225-7000

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

February 9, 2022

VIA ELECTRONIC MAIL

Peter Navarro



Dear Mr. Navarro:

Pursuant to the authorities set forth in House Resolution 503 and the rules of the House of Representatives, the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Select Committee") hereby transmits a subpoena that compels you to produce the documents set forth in the accompanying schedule by February 23, 2022, and to appear for a deposition on March 2, 2022.

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021.

Based on publicly available information and information produced to the Select Committee, we believe that you have documents and information that are relevant to the Select Committee's investigation. For example, you, then a White House trade advisor, reportedly worked with Steve Bannon and others to develop and implement a plan to delay Congress's certification of, and ultimately change the outcome of, the November 2020 presidential election.¹ In your book, you reportedly described this plan as the "Green Bay Sweep" and stated that it was designed as the "last, best chance to snatch a stolen election from the Democrats' jaws of deceit."² In an interview, you reportedly added that former President Trump was "on board with the strategy", as were "more than 100" members of Congress including Representative Paul Gosar and Senator Ted Cruz.³ That, of course, was not the first time you publicly addressed purported fraud in the election. You also released on your website a three-part report, dubbed the "Navarro

¹ Tim Dickinson, ROLLING STONE, *Trump Adviser Worried He's Not Getting Enough Credit for Trying to Ruin American Democracy* (December 28, 2021) available at <https://www.rollingstone.com/politics/politics-news/jan6-peter-navarro-led-stuz-green-bay-sweep-1276742/>.

² *Id.*

³ Jose Pagliery, THE DAILY BEAST, *Trump Adviser Peter Navarro Lays Out How He and Bannon Planned to Overturn Biden's Electoral Win* (December 27, 2021) available at <https://www.thedailybeast.com/trump-adviser-peter-navarro-lays-out-how-he-and-steve-bannon-planned-to-overturn-bidens-electoral-win>.

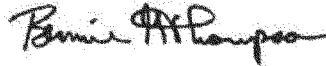
Mr. Peter Navarro

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Report", repeating many claims of purported fraud in the election that have been discredited in public reporting, by state officials, and courts.⁴ And, because you have already discussed these and other relevant issues in your recently published book, in interviews with reporters, and, among other places, on a podcast,⁵ we look forward to discussing them with you, too.

Accordingly, the Select Committee seeks documents and a deposition regarding these and other matters that are within the scope of the Select Committee's inquiry. A copy of the rules governing Select Committee depositions, and document production definitions and instructions are attached. Please contact staff for the Select Committee at [REDACTED] to arrange for the production of documents.

Sincerely,



Bennie G. Thompson
Chairman

⁴ Peter Navarro, *The Navarro Report* available at <https://peternavarro.com/the-navarro-report/>; see also Joe Walsh, FORBES, *White House Advisor Peter Navarro Releases Dubious Voter Fraud Report* (December 17, 2020) available at <https://www.forbes.com/sites/joewalsh/2020/12/17/white-house-advisor-peter-navarro-releases-dubious-voter-fraud-report/?sh=23b88c221205>.

⁵ Ewan Palmer, *Steve Bannon Was 'The Heron on Jan. 6,' Says Peter Navarro* (December 17, 2021) available at <https://www.newsweek.com/peter-navarro-steve-bannon-heron-january-6-capitol-riots-1660421>.

Mr. Peter Navarro
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SCHEDULE

In accordance with the attached definitions and instructions, you, Peter Navarro, are hereby required to produce all documents and communications in your possession, custody, or control—including any such documents or communications stored or located on personal devices (e.g., personal computers, cellular phones, tablets, etc.), in personal accounts, and/or on personal applications (e.g., email accounts, contact lists, calendar entries, etc.)—referring or relating to the following items. If no date range is specified below, the applicable dates are for the time period September 1, 2020, to present.

1. All documents and communications referring or relating in any way to plans, efforts, or discussions regarding challenging, decertifying, delaying the certification of, overturning, or contesting the results of the 2020 Presidential election.
2. All communications, and documents related to communications, in which you were a participant or witness, relating in any way to the security of election systems in the United States.
3. All communications, documents, and information that are evidence of the claims of purported fraud in the three-volume report you wrote, *The Navarro Report*.
4. All documents and communications referring or relating to, Steve Bannon, Members of Congress, state and local officials, White House officials/employees, representatives of the Trump reelection campaign, and national and local party officials relating to election fraud or malfeasance, as well as delaying or preventing the certification of the November 2020 election. This includes all documents and communications related to the creation or implementation of what you have described publicly as the “Green Bay Swrap.”
5. Final or draft press releases, letters, reports, or other documents that you, or someone on your behalf, released addressing election fraud or malfeasance, as well as delaying or preventing the certification of the election.
6. All documents and communications referring or relating in any way to electoral votes in the 2020 presidential election, including, but not limited to, drafts or final versions of documents purporting to be or related to Electoral College votes, meetings and preparations for meetings of purported electors for former President Trump and former Vice President Pence on or about December 14, 2020, and the actual or potential selection of an alternate slate of electors by any state legislature or executive.
7. All documents and communications referring or relating in any way to John Eastman, Rudolph Giuliani, Boris Epshteyn, Bernard Kerik, Jenna Ellis, or Mark Martin.
8. All documents and communications relating in any way to protests, marches, public assemblies, rallies, or speeches in Washington, D.C., on November 14, 2020, December 12, 2020, January 3, 2021, or January 6, 2021 (collectively, “Washington Rallies”).

Mr. Peter Navarro

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9. All documents and communications referring or relating to the financing or fundraising associated with the Washington Rallies and any individual or organization's travel to or accommodation in Washington, D.C., to attend or participate in the Washington Rallies.
10. All documents and communications related to the January 6, 2021, attack on the U.S. Capitol.

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this request, produce all responsive documents, regardless of classification level, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Committee").
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. With specific reference to classified material, you will coordinate with the Committee's Security Officer to arrange for the appropriate transfer of such information to the Committee. This includes, but is not necessarily limited to: a) identifying the classification level of the responsive document(s); and b) coordinating for the appropriate transfer of any classified responsive document(s).
5. Electronic document productions should be prepared according to the following standards:
 - a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - b. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME,
SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE,
ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE,
FILENAME, FILEBXT, FILESIZE, DATECREATED, TIMECREATED,
DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER,
NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
10. The pendency of or potential for litigation shall not be a basis to withhold any information.
11. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
12. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.
14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.
15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).
16. If a date or other descriptive detail set forth in this request referring to a document

is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
18. All documents shall be Bates-stamped sequentially and produced sequentially.
19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, assignee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.

January 4, 2021

CONGRESSIONAL RECORD—HOUSE

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health, safety, and well-being of others present in the Chamber and surrounding areas. Members and staff will not be permitted to enter the Hall of the House without wearing a mask. Masks will be available at the entry points for any Member who forgets to bring one. The Chair views the failure to wear a mask as a serious breach of decorum. The Sergeant-at-Arms is directed to enforce this policy. Based upon the health and safety guidance from the attending physician and the Sergeant-at-Arms, the Chair would further advise that all Members should leave the Chamber promptly after casting their votes. Furthermore, Members should avoid congregating in the rooms leading to the Chamber, including the Speaker's lobby. The Chair will continue the practice of providing small groups of Members with a minimum of 5 minutes within which to cast their votes. Members are encouraged to vote with their previously assigned group. After voting, Members must clear the Chamber to allow the next group a safe and sufficient opportunity to vote. It is essential for the health and safety of Members, staff, and the U.S. Capitol Police to consistently practice social distancing and to ensure that a safe capacity be maintained in the Chamber at all times. To that end, the Chair appreciates the cooperation of Members and staff in preserving order and decorum in the Chamber and in displaying respect and safety for one another by wearing a mask and practicing social distancing. All announced policies, including those addressing decorum in debate and the conduct of votes by electronic device, shall be carried out in harmony with this policy during the pendency of a covered period.

117TH CONGRESS REGULATIONS FOR USE OF DEPOSITION AUTHORITY

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(b) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding the conduct of depositions by committee and select committee counsel for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,
Chairman, Committee on Rules.

REGULATIONS FOR THE USE OF DEPOSITION AUTHORITY

1. Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths. Depositions may continue from day to day.

2. Consultation with the ranking minority member shall include three days' notice before any deposition is taken. All members of the committee shall also receive three days written notice that a deposition will be taken, except in exigent circumstances. For purposes of these procedures, a day shall not include Saturdays, Sundays, or legal holidays except when the House is in session on such a day.

3. Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.

4. The chair of the committee noticing the deposition may designate that deposition as part of a joint investigation between committees, and in that case, provide notice to the members of the committees. If such a designation is made, the chair and ranking minority member of the additional committee(s) may designate committee staff to attend pursuant to regulation 3. Members and designated staff of the committees may attend and ask questions as set forth below.

5. A deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition. When depositions are conducted by committee counsel, there shall be no more than two committee counsel permitted to question a witness per round. One of the committee counsel shall be designated by the chair and the other by the ranking minority member per round.

6. Deposition questions shall be propounded in rounds. The length of each round shall not exceed 60 minutes per side, and shall provide equal time to the majority and the minority. In each round, the member(s) or committee counsel designated by the chair shall ask questions first, and the member(s) or committee counsel designated by the ranking minority member shall ask questions second.

7. Objections must be stated concisely and in a non-argumentative and non-suggestive manner. A witness's counsel may not instruct a witness to refuse to answer a question, except to preserve a privilege. In the event of professional, ethical, or other misconduct by the witness's counsel during the deposition, the Committee may take any appropriate disciplinary action. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair overrules any such objection and thereby orders a witness to answer any question to which an objection was lodged, the witness shall be ordered to answer. If a member of the committee chooses to appeal the ruling of the chair, such appeal must be made within three days, in writing, and shall be preserved for committee consideration. The Committee's ruling on appeal shall be filed with the clerk of the Committee and shall be provided to the members and witness no less than three days before the reconvened deposition. A deponent who refuses to answer a question after being directed to answer by the chair may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed by the committee on appeal.

8. The Committee chair shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the chair. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

9. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the committee for the committee's use. The chair and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

10. The chair and ranking minority member shall consult regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript, or recording, or a portion thereof, the matter shall be promptly referred to the committee for resolution.

11. A witness shall not be required to testify unless the witness has been provided with a copy of section 3(b) of H. Res. 8, 117th Congress, and these regulations.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(s) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding remote committee proceedings for printing in the CONGRESSIONAL RECORD.

Sincerely,

JAMES P. MCGOVERN,
Chairman,
Committee on Rules.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8

A. PRESENCE AND VOTING

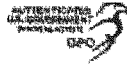
1. Members participating remotely in a committee proceeding must be visible on the software platform's video function to be considered in attendance and to participate unless connectivity issues or other technical problems render the member unable to fully participate on camera (except as provided in regulations A.2 and A.3).

2. The exception in regulation A.1 for connectivity issues or other technical problems does not apply if a point of order has been made that a quorum is not present. Members participating remotely must be visible on the software platform's video function in order to be counted for the purpose of establishing a quorum.

3. The exception in regulation A.1 for connectivity issues or other technical problems does not apply during a vote. Members participating remotely must be visible on the software platform's video function in order to vote.

4. Members participating remotely off-camera due to connectivity issues or other technical problems pursuant to regulation A.1 must inform committee majority and minority staff either directly or through staff.

5. The chair shall make a good faith effort to provide every member experiencing connectivity issues an opportunity to participate fully in the proceedings, subject to regulations A.2 and A.3.



H. Res. 8

In the House of Representatives, U. S.,

January 4, 2021.

Resolved,

SECTION 1. ADOPTION OF THE RULES OF THE ONE HUNDRED SIXTEENTH CONGRESS.

The Rules of the House of Representatives of the One Hundred Sixteenth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Sixteenth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Seventeenth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in this resolution.

SEC. 2. CHANGES TO THE STANDING RULES.

(a) **CONFORMING CHANGE.**—In clause 2(i) of rule II—

- (1) strike the designation of subparagraph (1); and
- (2) strike subparagraph (2).

(b) **OFFICE OF DIVERSITY AND INCLUSION AND OFFICE OF THE WHISTLEBLOWER OMBUDS.**—

SEC. 2. SEPARATE ORDERS.

(a) **MEMBER DAY HEARING REQUIREMENT.**—During the first session of the One Hundred Seventeenth Congress, each standing committee (other than the Committee on Ethics) or each subcommittee thereof (other than a subcommittee on oversight) shall hold a hearing at which it receives testimony from Members, Delegates, and the Resident Commissioner on proposed legislation within its jurisdiction, except that the Committee on Rules may hold such hearing during the second session of the One Hundred Seventeenth Congress.

(b) **DEPOSITION AUTHORITY.**—

(1) During the One Hundred Seventeenth Congress, the chair of a standing committee (other than the Committee on Rules), and the chair of the Permanent Select Committee on Intelligence, upon consultation with the ranking minority member of such committee, may order the taking of depositions, including pursuant to subpoenas, by a member or counsel of such committee.

(2) Depositions taken under the authority prescribed in this subsection shall be subject to regulations issued by the chair of the Committee on Rules and printed in the Congressional Record.

(c) **WAR POWERS RESOLUTION.**—During the One Hundred Seventeenth Congress, a motion to discharge a measure introduced pursuant to section 6 or section 7 of the War

**Exhibit 2 — Email from Peter K. Navarro to Select
Committee Staff (Feb. 9, 2022)**

From: pknnavarro <[REDACTED]>
Sent: Wednesday, February 9, 2022 2:19 PM
To: [REDACTED]
Subject: Re: U.S. House Select Committee to Investigate the January 6th Attack on the U.S. Capitol

yes, no counsel.
Executive privilege.

Sent with ProtonMail Secure Email.

----- Original Message -----
On Wednesday, February 9th, 2022 at 2:16 PM, [REDACTED] wrote:

Mr. Navarro —

I am a Senior Investigative Counsel for the U.S. House Select Committee to Investigate the January 6th Attack on the U.S. Capitol. The Select Committee is seeking your deposition testimony and documents relevant to issues it is examining. Please confirm whether you are willing to accept service of a subpoena over email. If you are represented by counsel, please let me know his or her name and contact information and we will reach out as soon as possible.

Thank you,

[REDACTED]
Senior Investigative Counsel

Select Committee to Investigate the January 6th Attack

on the United States Capitol

U.S. House of Representatives

Exhibit 3 — Email from Select Committee Staff to Peter K. Navarro (Feb. 24, 2022)

[REDACTED]

From: [REDACTED]
Sent: Thursday, February 24, 2022 4:07 PM
To: pknnavarro
Subject: RE: U.S. House Select Committee to Investigate the January 6th Attack on the U.S. Capitol

Mr. Navarro —

I'm following up on the Select Committee's subpoena to you.

The subpoena required you to produce documents to the Select Committee by yesterday, February 23, 2022. We have not received any documents or an indication that you have no documents that are responsive to the subpoena's document schedule.

Also, the date for your deposition is Wednesday, March 2, 2022, at 10:00 AM, and we will convene in a room in the House office buildings. Please contact me at your earliest convenience to discuss the details. Alternatively, please let me know if you do not plan to appear on March 2.

Thank you,
[REDACTED]

[REDACTED]
Senior Investigative Counsel
Select Committee to Investigate the January 6th Attack
on the United States Capitol
U.S. House of Representatives

From: [REDACTED]
Sent: Wednesday, February 9, 2022 4:21 PM
To: pknnavarro [REDACTED]
Subject: RE: U.S. House Select Committee to Investigate the January 6th Attack on the U.S. Capitol

Mr. Navarro —

As promised, attached is a subpoena from the Select Committee, issued today.

Please let me know if you have any questions or would like to discuss.

Thanks,
[REDACTED]

[REDACTED]
Senior Investigative Counsel
Select Committee to Investigate the January 6th Attack
on the United States Capitol
U.S. House of Representatives

Exhibit 4 — Email Exchange between Select Committee Staff and Peter K. Navarro (Feb. 27, 2022)

From: [REDACTED]
To: pknavarro
Subject: RE: Navarro
Date: Sunday, February 27, 2022 6:13:04 PM

Mr. Navarro —

No, it will not be public or open to the press. It will be a staff-led deposition, which members of the Select Committee may also join and in which they may participate.

If you have a scheduling conflict with that date, please let me know and we would be happy to work with to find a date to be scheduled within a reasonable time. Also, please let me know when you anticipate providing documents that are responsive to the subpoena schedule, or a log of specific documents that you are withholding and the basis for withholding, such as executive privilege.

Thank you,
[REDACTED]

From: pknavarro [REDACTED]
Sent: Sunday, February 27, 2022 4:43 PM
To: [REDACTED]
Subject: RE: Navarro

Will this event be open to the public and press?

Sent with ProtonMail Secure Email.

----- Original Message -----

On Sunday, February 27th, 2022 at 4:27 PM, [REDACTED] wrote:

Mr. Navarro —

Thank you for your email. There are topics, including those discussed in the Chairman's letter, that the Select Committee believes it can discuss with you without raising any executive privilege concerns at all. In any event, you must appear to assert any executive privilege objections on a question-by-question basis during the deposition. This will enable the Select Committee to better understand your objections and, if necessary, take any additional steps to address them.

With that in mind, can you please let us know whether you intend to appear for deposition testimony on Wednesday, March 2, 2022, at 10:00 AM as scheduled by the subpoena? For convenience, I'm also attaching my email to you dated Thursday, February 24, 2022.

Thank you again for your email.

██████████
██████████
Senior Investigative Counsel
Select Committee to Investigate the January 6th Attack
on the United States Capitol
U.S. House of Representatives

From: pknnavarro ██████████
Sent: Sunday, February 27, 2022 4:00 PM
To: ██████████
Cc: pknnavarro ██████████
Subject: Navarro

March 1, 2022

██████████
Senior Investigative Counsel
Select Committee to Investigate the January 6 Attack
US House of Representatives

Dear ██████████:

Please be advised that President Trump has invoked Executive Privilege in this matter, and it is neither my privilege to waive or Joseph Biden's privilege to waive. Accordingly, my hands are tied.

Your best course of action is to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.

In closing, I note that the United States government is in possession of all my official White House communications which your committee has requested. While I do not give my permission for your Select Committee to access this information as it involves privilege, I am at least advising you of this fact.

Thank you,

Peter Navarro

**Exhibit 5 — Email from Peter K. Navarro to Select
Committee Staff (Feb. 28, 2022)**

From: pknawaro
To: [REDACTED]
Subject: RE: Navarro
Date: Monday, February 28, 2022 11:31:44 AM

Please be advised I have been clear in my communications on this matter. Below is my response. As I note, privilege is not mine to waive and it is incumbent on the Committee to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.

March 1, 2022

[REDACTED]
Select Committee to Investigate the January 6 Attack
US House of Representatives

Dear [REDACTED]

Please be advised that President Trump has invoked Executive Privilege in this matter; and it is neither my privilege to waive or Joseph Biden's privilege to waive. Accordingly, my hands are tied.

Your best course of action is to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.

In closing, I note that the United States government is in possession of all my official White House communications which your committee has requested. While I do not give my permission for your Select Committee to access this information as it involves privilege, I am at least advising you of this fact.

Thank you,

Peter Navarro

Exhibit 6 — Letter from White House Counsel to Peter K. Navarro (Feb. 28, 2022)



THE WHITE HOUSE
WASHINGTON

February 28, 2022

Peter K. Navarro
[REDACTED]

Dear Mr. Navarro:

I write regarding a subpoena issued to you by the Select Committee to Investigate the January 6th Attack on the United States Capitol (the "Select Committee").

As you are aware, in light of unique and extraordinary nature of the matters under investigation, President Biden has determined that an assertion of executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee. These subjects include: events within the White House on or about January 6, 2021; attempts to use the Department of Justice to advance a false narrative that the 2020 election was tainted by widespread fraud; and other efforts to alter election results or obstruct the transfer of power. President Biden accordingly has decided not to assert executive privilege as your testimony regarding those subjects, or any documents you may possess that bear on them. For the same reasons underlying his decision on executive privilege, President Biden has determined that he will not assert immunity to preclude you from testifying before the Select Committee.

In light of President Biden's determination not to assert executive privilege with respect to your testimony, we are not requesting that agency counsel be permitted to attend the deposition. Should you have any questions about the issues addressed in this letter, please contact me at [REDACTED].

Sincerely,

Jonathan C. Su
Deputy Counsel to the President

cc: [REDACTED]

Select Committee to Investigate the January 6th Attack on the United States Capitol

Exhibit 7 — Email from Select Committee Staff to Peter K. Navarro (Mar. 1, 2022)

From: [REDACTED]
To: pknnavarro
Subject: RE: Navarro
Date: Tuesday, March 1, 2022 9:43:55 PM
Attachments: RE Navarro (13.9 KB).msg
RE U.S. House Select Committee to Investigate the January 6th Attack on ... (13.9 KB).msg

Mr. Navarro —

Thank you for your email. As I mentioned to you in the attached emails, there are topics that the Select Committee believes it can discuss with you without raising any executive privilege concerns at all, including, but not limited to, questions related to your public three-part report about purported fraud in the November 2020 election and the plan you described in your book called the "Green Bay Sweep." If there are specific questions that raise executive privilege concerns, you can assert your objections on the record and on a question-by-question basis.

It is unclear from your correspondence whether you plan attend tomorrow's deposition, as required by the subpoena. We plan to proceed with the deposition at 10 AM in the [REDACTED]. Please feel free to contact me when you arrive so someone can escort you to the conference room.

Thank you,
[REDACTED]

From: pknnavarro [REDACTED]
Sent: Monday, February 28, 2022 11:32 AM
To: [REDACTED]
Subject: RE: Navarro

Please be advised I have been clear in my communications on this matter. Below is my response. As I note, privilege is not mine to waive and it is incumbent on the Committee to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.

March 1, 2022

[REDACTED]
Senior Investigative Counsel
Select Committee to Investigate the January 6 Attack
US House of Representatives

Dear [REDACTED]:

Please be advised that President Trump has invoked Executive Privilege in this matter, and it is neither my privilege to waive or Joseph Biden's privilege to waive. Accordingly, my hands are tied.

Your best course of action is to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.

In closing, I note that the United States government is in possession of all my official White House communications which your committee has requested. While I do not give my permission for your Select Committee to access this information as it involves privilege, I am at least advising you of this fact.

Thank you,

Peter Navarro

Exhibit 8 — Deposition that Memorialized Peter K. Navarro's Failure to Appear before the Select Committee (Mar. 2, 2022)

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2

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4 SELECT COMMITTEE TO INVESTIGATE THE

5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,

6 U.S. HOUSE OF REPRESENTATIVES,

7 WASHINGTON, D.C.

8

9

10

11 DEPOSITION OF: PETER K. NAVARRO (NO-SHOW)

12

13

14

15

Wednesday, March 2, 2022

16

17

Washington, D.C.

18

19

20 The deposition in the above matter was held in [REDACTED]

21 [REDACTED], commencing at 10:04 a.m.

p

1

2 Appearances:

3

4

5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8

[REDACTED]

9

[REDACTED]

10

[REDACTED]

11

[REDACTED]

12

[REDACTED]

1 [REDACTED] We are on the record. Today is March 2nd, 2022. The time is
2 10:04. We're convened in the [REDACTED]
3 [REDACTED] for the deposition of Peter Navarro to be conducted by
4 the House Select Committee to Investigate the January 6th Attack on the United States
5 Capitol. My name is [REDACTED]. I am the designated select committee senior
6 investigative counsel for this proceeding. I am accompanied by [REDACTED]
7 [REDACTED].

8 For the record, it's 10:04 a.m. Mr. Peter Navarro is not present. The person
9 transcribing this proceeding is the House stenographer and notary public authorized to
10 administer oaths.

11 I want to put on the record, briefly, the facts with respect to Mr. Navarro being
12 given notice of this proceeding.

13 On February 9th, Chairman Bennie Thompson issued a subpoena to Mr. Navarro
14 both to produce documents by February 23rd, 2022, and to testify at a deposition on
15 March 2nd, 2022, at 10 a.m. The subpoena pertains to the select committee's
16 investigation into the facts, circumstances, and causes of the January 6th attack and
17 issues related to the peaceful transfer of power in order to identify and evaluate lessons
18 learned, and to recommend to the House and its relevant committees corrective laws,
19 policies, procedures, rules, or regulations.

20 On February 9th, 2022, [REDACTED]
21 [REDACTED], reached out to Mr. Navarro by email and asked whether he would be willing
22 to accept the service -- accept service of a subpoena for deposition and documents by
23 email. [REDACTED] email also asked Mr. Navarro if he was represented by counsel.

24 Mr. Navarro responded to [REDACTED] on the same day, stating that he would be
25 willing to accept service of the subpoena by email and that he was not represented by

1 counsel in the matter. Mr. Navarro also wrote in the email, quote "executive privilege,"
2 close quote. He did not explain what he meant by that.

3 [REDACTED], following up on Mr. Navarro's email, served Mr. Navarro with the
4 subpoena, which we will attach to the record as exhibit 1.

5 [Navarro Exhibit No. 1

6 Was marked for identification.]

7 [REDACTED]. And the subpoena called for, as I noted, production of documents by
8 February 23rd, 2022, and testimony on March 2nd, 2022, at 10 a.m.

9 On February 24th, 2022, having not heard back from Mr. Navarro in response to
10 the subpoena and having received no documents in response to subpoena, [REDACTED]
11 reached out for Mr. Navarro, again, reminded him of the subpoena compliance date and
12 indicated we had not received any documents. [REDACTED] also reminded Mr. Navarro
13 that his deposition was set for March 2nd, 2022, at 10 a.m., and that we would be
14 convening in one of the House Office Buildings.

15 Mr. Navarro wrote back on February 27th, 2022, and advised [REDACTED] that
16 President Trump had invoked executive privilege in this matter, and it was neither his
17 privilege to waive nor President Biden's privilege to waive. He stated, quote,
18 "Accordingly, my hands are tied," close quote.

19 [REDACTED] responded the same day, Sunday, the 27th, to Mr. Navarro and
20 stressed to him that there were topics that would be included in the deposition and were
21 referenced in the chairman's letter that he, Mr. Navarro, could discuss without raising any
22 potential claim of executive privilege.

23 [REDACTED] also reminded Mr. Navarro that he would have to assert executive
24 privilege on a question-by-question basis during the deposition and that he was expected
25 to comply with the deposition and appear on March 2nd, at 10 a.m., as noted in the

1 subpoena.

2 Mr. Navarro responded that same afternoon asking, will this event be open to the
3 public and press?

4 [REDACTED] responded by email the same afternoon answering Mr. Navarro's
5 questions.

6 On the next day, February 28th, Mr. Navarro emailed [REDACTED]: Please be
7 advised, I have been cleared in my communications on this matter. Below is my
8 response. As I note, privilege is not mine to waive. And it is incumbent on the
9 committee to directly negotiate with President Trump and his attorneys regarding any
10 and all things related to this matter.

11 And Mr. Navarro included some further comments, dated March 1st, in that
12 February 28th letter, along the lines of what I just stated that was in the email.

13 On Tuesday, March 1st, [REDACTED] again emailed Mr. Navarro thanking him for
14 his email, reminding him that there were topics that we would be talking about at the
15 deposition that did not implicate any executive privilege concerns. And [REDACTED]
16 provided examples to Mr. Navarro of some of those types of questions, again reminding
17 him that he could assert objections on the record on a question-by-question basis.

18 [REDACTED] asked Mr. Navarro to clarify whether he intended to appear at the
19 deposition scheduled for March 2nd, as required by the subpoena. He advised Mr.
20 Navarro that the deposition would begin at 10 a.m. at the [REDACTED],
21 provided the address, and asked Mr. Navarro to contact him when he arrives so that he
22 could be escorted to the conference room. That email was sent on the night of
23 March 1st — last night. Now, March 2nd, after 10 a.m., Mr. Navarro has not appeared
24 for his deposition.

25 With that, I will note for the record that the current time is 10:11. Mr. Navarro

1 still has not appeared or communicated to the select committee that he will appear
2 today, as required by the subpoena. Accordingly, the record is now closed. And we
3 can go off the record.

4 [Whereupon, at 10:13 a.m., the deposition was concluded.]

5

Appendix II

Exhibit 1 — Subpoena to Daniel Scavino, Jr. (Oct. 6, 2021)

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE
CONGRESS OF THE UNITED STATES OF AMERICA

Daniel J. Scavino, Jr.

To

You are hereby commanded to be and appear before the
Select Committee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

- ☒ to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production:

Date: October 21, 2021

Time: 10:00 a.m.

- ☒ to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony:

Date: October 28, 2021

Time: 10:00 a.m.

- ☐ to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony:

Date:

Time:

To any authorized staff member or the United States Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at
the city of Washington, D.C. this 6th day of October, 2021.

Attest:

Clerk



Chairman or Authorized Member

PROOF OF SERVICE

Subpoena for Daniel J. Scavino, Jr.

Address The Mar-a-Lago Club, [REDACTED]

before the Select Committee to Investigate the January 6th Attack on the United States Capitol

U.S. House of Representatives
117th Congress

Served by (print name) [REDACTED]

Title [REDACTED] U.S. Marshal

Manner of service Personally served Susan Wiles,
chief of staff to the 45th office (Post-Presidency office)

Date 10/08/2021

Signature of Server [REDACTED]

Address [REDACTED]

BENNY G. THOMPSON, MISSISSIPPI
CHAIRMAN

JOE LOFGREN, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
PETE ASHRAFI, CALIFORNIA
STEPHAN L. MURPHY, FLORIDA
JAMES RABEN, MARYLAND
ELAINA S. LUNA, VIRGINIA
LIZ CHENEY, WYOMING
ADAM KINZINGER, ILLINOIS



U.S. House of Representatives
Washington, DC 20515

january6th.house.gov
(202) 226-7800

One Hundred Nineteenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

October 6, 2021

Mr. Daniel J. Scavino, Jr.



Dear Mr. Scavino:

Pursuant to the authorities set forth in House Resolution 503 and the rules of the House of Representatives, the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Select Committee") hereby transmits a subpoena that compels you to produce the documents set forth in the accompanying schedule by October 21, 2021, and to appear for a deposition on October 28, 2021.

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021, and the messages, videos, and internet communications that were disseminated to the public concerning the election, the transition in administrations, and the constitutional and statutory processes that effect that transition.

The Select Committee has reason to believe that you have information relevant to understanding important activities that led to and informed the events at the Capitol on January 6, 2021, and relevant to former President Trump's activities and communications in the period leading up to and on January 6. For example, the Select Committee has reason to believe that you have knowledge regarding the communications strategy of the former President and his supporters leading up to the events on January 6. As the Deputy Chief of Staff for Communications, reporting indicates that you were with the former President on January 5, when he and others were considering how to convince Members of Congress not to certify the election for Joe Biden.¹ Your public Twitter account makes clear that you were tweeting messages from the White House on January 6, 2021.² And prior to January 6, 2021, you promoted, through your Twitter messaging, the January 6 March for Trump, which encouraged people to "be a part of history."³ Your long service with the former President—spanning more than a decade and which included service as his digital strategy director, overseeing his social media presence, including on Twitter—suggest that you have knowledge concerning communications involving the 2020 presidential election and rallies and activities supporting and including the former President on January 6.

¹ BOB WOODWARD & ROBERT COSTA, PERIL at 231 (2021).

² E.g., Dan Scavino(American flag[eagle]) (@DanScavino), Twitter (Jan. 6, 2021, 11:12 AM, from The White House), <https://twitter.com/DanScavino/status/1346584866964598783?y=20>; Dan Scavino(American flag[eagle]) (@DanScavino), Twitter (Jan. 6, 2021, 10:50 AM, from The White House), <https://twitter.com/danScavino/status/1346846609905168385?lang=en>.

³ Dan Scavino(American flag[eagle]) (@DanScavino), Twitter (Jan. 2, 2021, 9:04 PM), <https://twitter.com/DanScavino/status/134555150144045762?y=20>.

April 6, 2022

CONGRESSIONAL RECORD — HOUSE

H4277

Mr. Daniel J. Scavino, Jr.

Page 2

It also appears that you were with or in the vicinity of former President Trump on January 6 and are a witness regarding his activities that day. You may also have materials relevant to his videotaping and tweeting messages on January 6. Accordingly, the Select Committee seeks both documents and your deposition testimony regarding these and other matters that are within the scope of the Select Committee's inquiry.

A copy of the rules governing Select Committee depositions, and a copy of document production definitions and instructions are attached. Please contact staff for the Select Committee at [REDACTED] to arrange for the production of documents.

Sincerely,

A handwritten signature in black ink, appearing to read "Bennie G. Thompson".

Bennie G. Thompson
Chairman

Mr. Daniel J. Scavino, Jr.
Page 3

SCHEDULE

In accordance with the attached Definitions and Instructions, you, Mr. Daniel Scavino, Jr., are hereby required to produce all documents and communications in your possession, custody, or control control—including any such documents or communications stored or located on personal devices (e.g., personal computers, cellular phones, tablets, etc.), in personal or campaign accounts, and/or on personal or campaign applications (e.g., email accounts, contact lists, calendar entries, etc.)—referring or relating to the following items. If no date range is specified below, the applicable dates are for the time period April 1, 2020-present.

1. The January 6, 2021, rally on the mall and Capitol grounds in Washington, D.C., in support of President Donald J. Trump and opposition to certification of the results of the 2020 presidential election, including any permitting, planning, objectives, financing, and conduct, as well as any communications to or from any person or group involved in organizing or planning for the January 6, 2021, rally.
2. Then-President Trump's participation in the January 6, 2021, rally, including any communications with President Trump or any paid or unpaid attorney, advisor, assistant, or aide to President Trump relating to the nature, context, or content of President Trump's intended or actual remarks to those attending the January 6, 2021, rally.
3. Communications referring or relating to the nature, planning, conduct, message, purpose, objective, promotion of, or participation in the January 6, 2021, rally that were between or among any person who, during the Administration of former President Trump, worked in the White House complex, including any employee or detailee.
4. Your communications with President Donald J. Trump concerning delaying or preventing the certification of the election of Joe Biden as President or relating to the rallies of January 5 or January 6, 2021.
5. Plans to communicate, or actual communications, relating to alleged fraud or other election irregularities in connection with the 2020 presidential election.
6. Communications with any non-governmental entity, organization, or individual relating to the January 6, 2021, rally, including any statements or other materials you or members of your office provided to any such entity, organization, or individual in connection with the planning, objectives, organization, message of, sponsorship and participation in the January 6, 2021, rally.
7. All communications regarding President Trump's meetings and communications that day.
8. Communications with any individual or organization, within or outside the government, referring or related to the activities and events at the January 6, 2021, rally, including messaging or characterization of those activities and events following the January 6, 2021, rally.
9. Any communications with, including any materials or statements you provided directly or indirectly to, any Member of Congress or the staff of any Member of Congress referring or related to the planning, objectives, organization, message, sponsorship, or participation in the January 6, 2021, rally.

Mr. Daniel J. Scavino, Jr.

Page 4

10. Anyone with whom you communicated by any means regarding any aspect of the planning, objectives, conduct, message of, promotion of, or participation in the January 6, 2021, rally.
11. From November 3, 2020, through January 6, 2021, any efforts, plans, or proposals to contest the 2020 Presidential election results or delay, influence, or impede the electoral count, including all tweets or posts on Parler urging attendance at the January 6 rally.
12. The role of the Vice President as the Presiding Officer in the certification of the votes of the electoral college.
13. All briefings or information from the United States Secret Service regarding participants at the January 6 rally on the Ellipse or the march to Capitol Hill, and all information relating to any plans or statements by President Trump that he would attend or participate in the events on Capitol Hill on January 6.
14. All communications with the Trump family on January 6, 2021.
15. All materials relating to former President Trump's videotaped messages on January 6 or regarding January 6, including all unused takes or recordings made that day.

**Exhibit 2 — All Email Correspondence between Select
Committee Staff and Counsel for Mr. Scavino**

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino
Date: Tuesday, November 30, 2021 8:23:00 PM

Hi Stanley,

Thank you for the conversation this afternoon. Per that discussion, it is our understanding that Mr. Scavino does not intend to appear for tomorrow's scheduled deposition. For your information, we will be proceeding on the record tomorrow to record his absence.

We will be in touch soon regarding next steps.

Best,

[REDACTED]
Select Committee to Investigate the January 6th Attack on the Capitol of the United States

From: [REDACTED]
Sent: Tuesday, November 30, 2021 1:43 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Hi Stanley,

I do think it would be helpful to discuss. I called earlier but got your voicemail. Please give me a call at [REDACTED].

From: [REDACTED]
Sent: Tuesday, November 30, 2021 1:42 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

[REDACTED] — as the Select Committee has yet to address the concerns we have raised, I believe our position remains fairly stated in our correspondence. I'm happy to discuss if that would be helpful.

Thanks,

Stanley

From: [REDACTED]
Sent: Tuesday, November 30, 2021 11:15 AM

April 6, 2022

CONGRESSIONAL RECORD — HOUSE

H4281

To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Good morning, Stanley,

We are in receipt of your Friday correspondence, but I do not believe we received, as we requested by noon yesterday, confirmation of whether Mr. Scavino intends to appear tomorrow. Please respond to this email to confirm whether he will appear, or give me a call at [REDACTED].

From: [REDACTED]
Sent: Friday, November 26, 2021 4:40 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Folks — please see the attached correspondence.

From: [REDACTED]
Sent: Tuesday, November 23, 2021 5:53 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Thank you, Stanley. I appreciate the response. Attached, please find a letter reflecting, as I mentioned earlier, a final continuation of the document and deposition dates, as well as the subpoena for Mr. Scavino reflecting those dates.

Please let me know if you have any questions.

Have a happy Thanksgiving!

From: [REDACTED]
Sent: Tuesday, November 23, 2021 12:45 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Hi [REDACTED] — I have confirmed with Mr. Scavino that we can accept service of the subpoena on his behalf.

Thank you,

Stanley

From: [REDACTED]
Sent: Tuesday, November 23, 2021 9:21 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Hi Stan,

I can move some things around this morning if that's more convenient for you. Would 10 AM work?

From: [REDACTED]
Sent: Monday, November 22, 2021 10:56 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Hi [REDACTED] — happy to touch base, but am not "at work" tomorrow. I have my 2yo all day and my older boys in the afternoon. I also have a virtual court status hearing at 3pm. I expect that will last at least an hour. So long as you all don't mind the background noise, I'm happy to talk around my hearing at your convenience.

From: [REDACTED]
Sent: Monday, November 22, 2021 10:49 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Hi Stanley,

We'd like to check in tomorrow afternoon. Can you provide a few times when you are available?

Thank you.

From: [REDACTED]
Sent: Thursday, November 18, 2021 12:00 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Folks, please see the attached correspondence.

Thanks,

Stanley

From: [REDACTED]
Sent: Tuesday, November 16, 2021 1:09 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Thank you, Stanley. I am confirming receipt of your letter.

In advance of Friday's scheduled deposition, I am resending the House deposition rules and also attaching the resolution mentioned in those rules.

In light of Mr. Scavino's assertion of privilege over all the documents the Select Committee has requested, does Mr. Scavino intends to appear this Friday to provide substantive testimony — beyond assertions of privilege — about any of the subject matters the Select Committee has identified?

If Mr. Scavino intends to appear, please let us know who will be accompanying him for that deposition. We are taking the necessary logistical steps to prepare for his appearance and need a full list of attendees.

Thank you.

From: [REDACTED]
Sent: Monday, November 15, 2021 11:29 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Folks — please see the attached correspondence on behalf of Mr. Scavino.

Thanks,

Stanley

From: [REDACTED]
Sent: Wednesday, November 10, 2021 10:10 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Hi Stanley,

We are willing to grant one final extension for the deposition to next Friday, November 19. We will not be able to grant further continuances beyond that date. We request that we hear from you no later than noon on Thursday, November 18, on whether Mr. Scavino intends to testify about any of the identified matters, and if so, which ones.

We are also willing to grant a document production extension to **Monday, November 15**, to allow time for your conference with Mr. Scavino today and subsequent document production or the provision of a privilege log.

Thank you.

[REDACTED]
[REDACTED]
Select Committee to Investigate the January 6th Attack on the Capitol of the United States

From: [REDACTED]
Sent: Tuesday, November 9, 2021 10:32 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Hi [REDACTED] — thanks for sending this along. I think you will agree that this is a lot of ground to cover in just one day. Even if we were in a position to address what privileges or other objections warrant discussion — and we're cognizant of Judge Chutkan's 40 page opinion issued earlier this evening — I'm not sure I could prepare any witness for a deposition on the breadth of these subjects on such short notice. Next week, I have an in-person meeting with DOJ on Wednesday, but am prepared to travel to and from Palm Beach at least twice, on Tuesday and Thursday. I'm happy to keep the committee apprised of my progress in the interim and perhaps we might hone in on a subset of topics that can be prioritized. In the meantime, we would request a further extension of the deadline for Mr. Scavino to participate in a deposition.

I also acknowledge your request for a privilege log and will address this with Mr. Scavino promptly.

Please let me know if you would like to discuss.

Thanks,

Stanley

From: [REDACTED]
Sent: Tuesday, November 9, 2021 7:17 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Good evening, Stanley,

As promised, please find attached a letter identifying topics the Select Committee would like to explore with Mr. Scavino in a deposition. Our understanding is that you are meeting with him tomorrow and will be able to follow up with us tomorrow evening about the status of document review and Friday's deposition date. We are happy to schedule a time now for us to speak tomorrow evening, if you are amenable to that.

Thank you.

From: [REDACTED]
Sent: Sunday, November 7, 2021 10:28 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

That sounds good folks, speak to you soon.

Attached is the letter referenced in our correspondence.

From: [REDACTED]
Sent: Saturday, November 6, 2021 8:09 PM
To: Stanley Woodward [REDACTED]
Cc: [REDACTED]
Subject: Re: Dan Scavino

Hi Stanley,

[REDACTED] and I will plan to call you at 11 am tomorrow.

Please send along the attachment when you are able.

Thank you.

On Nov 6, 2021, at 10:29 AM, [REDACTED]
wrote:

Thanks, Stanley. I can do any time tomorrow morning, but would like to connect earlier if you have time later today.

Sent from my iPhone

On Nov 6, 2021, at 9:36 AM, Stanley Woodward
[REDACTED] wrote:

Hi [REDACTED] - sorry for the delayed response. Yes, I'm happy to connect

this weekend. I just ran out the door for a day of kids' soccer would you have time tomorrow morning?

And I can't seem to pull up the attachment on my phone but will send it as soon as I get home.

Thanks,

Stanley

Brand I Woodward

[REDACTED]

On Nov 5, 2021, at 6:03 PM, [REDACTED] wrote:

Hi Stanley,

I gave you a call to follow up on a couple of items but got your voicemail. Can we schedule a time to talk this evening or tomorrow?

Thanks.

From: [REDACTED]
Sent: Friday, November 5, 2021 4:53 PM
To: [REDACTED]; [REDACTED]
[REDACTED]
Subject: RE: Dan Scavino

Hi Stanley,

The letter refers to an attachment that I don't think was appended to the last email. Can you pass that along?

Thank you.

[REDACTED]

Select Committee to Investigate the January 6th Attack
on the Capitol of the United States

From: [REDACTED]

Sent: Friday, November 5, 2021 4:49 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Dan Scavino

[REDACTED] — as discussed, please see the attached correspondence.

Thanks,

Stanley

From: [REDACTED]

Sent: Wednesday, November 3, 2021 2:00 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Dan Scavino

Stanley,

Good talking with you this afternoon. As discussed, we will continue the deadline for your client to produce documents responsive to the subpoena by one day — now **Friday, 11/5**. I understand that you are imaging your client's machines, reviewing whether he has any responsive documents, and evaluating possible privilege claims. I further understand you are preparing a letter to the Select Committee about this process and can deliver that to us in the next day or so. We will review that letter and be prepared to further engage about documents and the upcoming deposition on Friday.

Talk to you soon,

[REDACTED]

Cc: [REDACTED]

From: [REDACTED]

Sent: Tuesday, November 2, 2021 8:47 PM

To: [REDACTED]

Cc: [REDACTED]
Subject: RE: Dan Scavino

Folks — I wanted to follow up and provide a brief update. I'm sorry for not reaching out sooner, but logistics continued to prove challenging. I'm in the middle of a trial in Fairfax, Virginia, but was able to fly down to Palm Beach today to meet with Mr. Scavino because the Court was closed (election day). I'm on my way back to DC now and could connect over teams today, but probably not until after 9. Tomorrow I'm back in trial, so again would probably not be able to do a teams meeting until after 7. I'm also happy to schedule a call tomorrow, but I unfortunately am not given much notice as to when we'll have a break and they're only 15 minutes long.

Alternatively, the trial concludes Thursday at 2:30pm and I could be available for a teams after 3:30pm or any time on Friday.

Thanks,

Stanley

From: [REDACTED]
Sent: Wednesday, October 27, 2021 5:11 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Hi Stanley,

Thanks for your message. We are willing to provide another brief extension to accommodate the schedule you suggest below, though no further delay absent something unforeseen. I want to give you the time you need to search for documents and prepare your client for his deposition, though this has been pending for some time. Let's schedule a call for Tuesday after your meeting with him to confirm timing. Can you suggest some windows when you're available? [REDACTED] and I will send a Teams invite for a time that works for all.

To confirm, we will delay the document production deadline until Thursday, November 4 and schedule the deposition for

Friday, November 12 (Thursday 11/11 is Veteran's Day).

Thanks,

[REDACTED]

From: [REDACTED]
Sent: Wednesday, October 27, 2021 4:39 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Hi folks – I wanted to touch base in advance of tomorrow's deadline to request another brief extension. As I think I mentioned, I'm preparing for a trial that starts Monday and Mr. Scavino and I have had trouble finding time to meet in person. At the moment, I'm scheduled to meet with him on Tuesday, November 2, 2021 (because the Court is closed for Election Day). At that time, I'll be making a forensic backup of his electronic devices and will perform an initial search for records responsive to his subpoena. Assuming that it appears there are no responsive records, I will confirm the same with you, subject to a more formal search by me after the forensic backups are completed. If this is amenable to you all, I would propose just another one week extension on both deadlines and we can plan to speak on Tuesday or at your convenience.

Thank you,

Stanley

From: [REDACTED]
Sent: Wednesday, October 20, 2021 3:35 PM
To: Stanley Woodward [REDACTED]
Cc: [REDACTED]
Subject: RE: Dan Scavino

Stanley,

Good talking with you today. This confirms our agreement to postpone the dates on Mr. Scavino's subpoena by one week. That moves the deadline for production of documents to 10/28 and the deposition date to 11/4.

I understand that you are in the process of ascertaining whether Mr. Scavino has any documents responsive to the subpoena, including imaging his phone and computer. Please let us know asap if there are such documents and whether they can be promptly produced. As discussed, we are willing to talk with you about the subject matters that we will seek to develop with Mr. Scavino during his deposition, so you can evaluate privilege issues. We do not believe any valid privilege claim exists, though are willing to talk with you about the scope of our inquiry in the interest of getting the deposition done.

Please let [REDACTED] and I know when you have more information. Thanks again for reaching out — looking forward to working with you on this moving forward.

[REDACTED]

Cc: [REDACTED]

From: Stanley Woodward

Sent: Wednesday, October 20, 2021 1:58 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: Dan Scavino

Hi [REDACTED] - 3 is great. You can call my cell, below.

Thanks,

Stanley

Brand I Woodward

[REDACTED]
[REDACTED]
[REDACTED]

On Oct 20, 2021, at 1:01 PM, [REDACTED]

wrote:

Hi Stanley -

April 6, 2022

CONGRESSIONAL RECORD — HOUSE

H4291

Thanks for your message. Can we talk at 3? It will be [REDACTED] and I. What is best number for you then?

Thanks,

[REDACTED]

Sent from my iPhone

On Oct 20, 2021, at 12:30 PM,

[REDACTED]

wrote:

[REDACTED] — we've been retained to represent Dan Scavino in responding to the Select Committee's subpoena to Dan for records and testimony. Is there a convenient time for us to have an introductory call?

Thanks,

Stanley

Brand J Woodward

[REDACTED]

[REDACTED]

**Exhibit 3 — Letter from Chairman Thompson to Counsel for
Mr. Scavino (Nov. 23, 2021)**

BRUNN G. THOMPSON, ARKANSAS
CHAIRMAN

ZOE LOFGRÉN, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
PETE AGUIAR, CALIFORNIA
STEPHAN L. MURPHY, FLORIDA
JAMES RASHEV, MARYLAND
BLAKE G. LORIA, VIRGINIA
LUC CHENEY, WYOMING
ADAM KIRCHNER, ALABAMA



U.S. House of Representatives
Washington, DC 20543
january6th.house.gov
(202) 226-7850

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

November 23, 2021

Mr. Stanley E. Woodward, Jr.
Mr. Stan M. Brand
[REDACTED]

Dear Messrs. Woodward and Brand,

The Select Committee to Investigate the January 6th Attack on the U.S. Capitol ("Select Committee") is in receipt of your November 15, 2021, letter regarding document production and your November 18, 2021, letter regarding the requested testimony of your client, Daniel J. Scavino, Jr. In both letters, you and Mr. Scavino have refused to provide any documents or any testimony in response to the Select Committee's October 6, 2021, subpoena. Mr. Scavino's steadfast refusal to cooperate — despite a professed willingness to the contrary — is untenable and grounded in specious and misguided legal arguments.

Select Committee Jurisdiction

Your letter of November 18, 2021, incorrectly asserts that the Select Committee is attempting to assert "broad or otherwise limitless jurisdiction to investigate."¹ The Select Committee's charter, House Resolution 503, 117th Congress, states that the Select Committee is to "investigate and report upon the facts, circumstances, and causes relating to the January 6, 2021, domestic terrorist attack upon the United States Capitol Complex ... and relating to the interference with the peaceful transfer of power."² As I stated in my October 6, 2021, letter to Mr. Scavino transmitting the subpoena, the Select Committee's investigation and public reports have revealed evidence indicating that your client has knowledge concerning activities that led to and informed the events of January 6, 2021, and relevant to President Trump's activities and communications in the period leading up to and on January 6.³ These subjects are squarely within the Select Committee's jurisdiction. Your client is apparently taking the position that he may refuse to comply with the Select Committee subpoena simply because he has a different view of what information should be important to Congress. There is no legal authority — and none is provided by your letter — supporting that position.

¹ Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 18, 2021) at p. 3.

² Section 3(1), H. Res. 8 (117th Cong.), as adopted on June 30, 2021.

³ Letter from Chairman Thompson to D. Scavino (Oct. 6, 2021) at p. 1.

Messrs. Stanley Woodward and Stan Brand
Page 2

Seeking information for congressional investigations is “an essential and appropriate auxiliary to the legislative function.”⁴ The explicit legislative purpose of the Select Committee is found in its charter: to make “recommendations for ... changes in law, policy, [or] procedures ... that could be taken[] to prevent future acts of violence, domestic terrorism, and domestic violent extremism, including acts targeted at American democratic institutions” ... and to “strengthen the security and resilience of” American democratic institutions.⁵ The validity of the Select Committee’s legislative purpose was recently affirmed in debate on the House floor.⁶ And as the Federal District Court recently explained in *Trump v. Thompson*, which reaffirmed the Select Committee’s legislative purpose, courts “must be highly deferential to the legislative branch.”⁷ Far from the issues you cite in your letter involving the House Committee on Un-American Activities investigating the private conduct of private individuals found in *Watkins v. United States* (354 U.S. 178 (1957)), your client was a government official conducting public business potentially relating to a riot on the U.S. Capitol that disrupted a constitutional process, which is indisputably a proper subject for possible legislation.

Deposition Rules

Your letter of November 18, 2021, challenges the Select Committee’s ability to “validly conduct a deposition” “absent a duly appointed Ranking Member.”⁸ This claim reflects a flawed understanding of the Rules of the U.S. House of Representatives. The Select Committee was properly constituted under section 2(a) of House Resolution 503, 117th Congress. As required by that resolution, Members of the Select Committee were selected by the Speaker, after “consultation with the minority leader.”⁹ A bipartisan selection of Members was appointed pursuant to House Resolution 503 and the order of the House of January 4, 2021, on July 1, 2021, and July 26, 2021.¹⁰ Neither House Resolution 503, the Regulations for the Use of Deposition Authority promulgated by the Chairman of the Committee on Rules pursuant to section 3(b) of House Resolution 8, nor the Rules of the House of Representatives require the Select Committee to include the minority leader’s preferred Members on the Select Committee.

Deposition Testimony

You have repeatedly indicated a desire to engage and identify areas where Mr. Scavino is able to testify, but to date, you have not identified any such areas or made any proposals regarding which items your client considers beyond the scope of privilege. As recounted in our November

⁴ *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927); see also *Barenblatt v. United States*, 360 U.S. 109, 111 (1959) (“The scope of the power of inquiry, in short, is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.”).

⁵ Sections 4(a)(3) and 4(c), H. Res. 8 (117th Cong.), as adopted on June 30, 2021.

⁶ See remarks of Rep. Jim Banks, “Madam Speaker, no one has said that the select committee doesn’t have a legislative purpose,” 167 Cong. Rec. 185 (Oct. 21, 2021) at p. H5760.

⁷ *Trump v. Thompson*, No. 21-cv-2769 (D.D.C. Nov. 9, 2021), at p. 26.

⁸ Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 18, 2021) at p. 5-6.

⁹ Speaker Pelosi detailed such consultation and her selection decisions in a July 21, 2021, press release available at <https://www.speaker.gov/newsroom/72121-2>.

¹⁰ 167 Cong. Rec. 115 (July 1, 2021) at H3597 and 167 Cong. Rec. 130 (July 26, 2021) at H3885. The January 4, 2021, order of the House provides that the Speaker is authorized to accept resignations and to make appointments authorized by law or by the House. See 167 Cong. Rec. 2 (Jan. 4, 2021) at p. H37.

Messrs. Stanley Woodward and Stan Brand
Page 3

9, 2021, letter, we do not believe Mr. Scavino's assertions of privilege are valid with respect to the items of interest to the Select Committee. Indeed, after identifying several topics in that letter, we stated the following:

We believe that these topics either do not implicate any cognizable claim of executive privilege or raise issues for which the Select Committee's need for the information is sufficiently compelling that it overcomes any such claim. To that end, please provide your input on the topics that the Select Committee has reiterated by way of this letter no later than Thursday, November 11. If there are areas listed above that you agree implicate no executive or other privilege, please identify those areas. Conversely, please articulate which privilege you believe applies to each area and how it is implicated. Our hope is that this process will sharpen our differences on privilege issues and allow us to develop unobjectionable areas promptly.¹¹

Despite that request and invitation to negotiate areas of inquiry on which the parties could agree, you and your client have provided no such detailed input. If you are indeed interested in "hon[ing] in on a subset of topics that can be prioritized,"¹² please identify the specific topics Mr. Scavino agrees are outside the scope of his asserted privileges, and if you believe a privilege applies, articulate which privilege and how it is implicated for each item no later than Friday, November 26, 2021.

To allow time to serve the subpoena on counsel and to permit these further negotiations, the Select Committee will provide a final continuation of the deposition to Wednesday, December 1, 2021, at 10:00am. The Select Committee expects Mr. Scavino's appearance at that time. Although you have stated a preference to proceed by written interrogatories, there is simply no substitute for live, in-person testimony and the Select Committee respectfully declines your suggestion to proceed otherwise. We continue to believe that the items identified in the October 6, 2021, subpoena and our November 9, 2021, correspondence do not implicate any privilege that should prevent his testimony. If you disagree about that for particular questions, you will have the opportunity to state privilege objections to specific questions on the record.

Document Request

In your November 15, 2021, correspondence, you reiterated your client's refusal to turn over any responsive document in his possession, asserting privilege, but also represented that your client has still not completed a search to identify all responsive documents. You further refused the Select Committee's request for a privilege log, asserting that "the production of a privilege log, as demanded by the Select Committee, would undermine the private, or otherwise confidential nature of advice given by or to the President and his advisors."¹³

¹¹ Letter from Chairman Thompson to D. Scavino (Nov. 9, 2021) at p. 4.

¹² Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 18, 2021) at p. 1.

¹³ Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 15, 2021) at p. 2.

Messrs. Stanley Woodward and Stan Brand
Page 4

As we noted in our prior correspondence, categorical claims of executive privilege are improper, and Mr. Scavino must identify an invocation of any claim of executive privilege by Mr. Trump narrowly and specifically. See, e.g., *In re Sealed Case (Espy)*, 121 F.3d 729 (D.C. Cir. 1997); *Comm. on Oversight & Gov't Reform v. Holder*, No. 12-cv-1332, 2014 WL 12662665, at *2 (D.D.C. Aug. 20, 2014) (rejecting a “blanket” executive-privilege claim over subpoenaed documents). Your continued refusal to provide a privilege log, coupled with your extensive and blanket assertions of privilege, are fundamentally at odds with your stated desire to “foster further discussion and the continued collaboration” with the Select Committee. The Committee intends to fully explore the extent and nature of the withheld documents—as well as the scope and sufficiency of the document search—at Mr. Scavino’s scheduled deposition. If Mr. Scavino is to cure his non-compliance with the requirement to produce documents, he must produce them by 12:00pm on Monday, November 29, 2021.

Finally, as we previously communicated, the incumbent President, not former President Trump, is responsible for guarding executive privilege. *Trump v. Thompson*, No. 21-cv-2769 (D.D.C. Nov. 9, 2021), at p. 13, 20; see also *Dellums v. Powell*, 561 F.2d 242, 247 (D.C. Cir. 1977); *Nixon v. GSA*, 433 U.S. 425, 449 (1977). The incumbent President has expressly declined to assert executive privilege on a number of subjects on which the Select Committee has sought testimony or documents, and the district court has ruled that former President Trump’s “assertion of privilege is outweighed by President Biden’s decision not to uphold the privilege.” *Trump v. Thompson*, No. 21-cv-2769 (D.D.C. Nov. 9, 2021), at p. 21; see also Doc. 21 (brief for the NARA defendants), Doc. 21-1 (Declaration of B. John Laster). Therefore, while we have made attempts to accommodate Mr. Scavino’s concerns about privilege, he is no position to assert privilege on behalf of the executive branch.

Service of Subpoena

Finally, in your most recent letter sent on the eve of the scheduled deposition, you raised for the first time with the Select Committee an objection to the manner in which Mr. Scavino was served. Pursuant to House rule XI and House Resolution 503, the Select Committee is authorized “to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of books, records, correspondence, memoranda, papers, and documents as it considers necessary.”¹⁴ Further, section 5(c)(4) of House Resolution 503 provides that the Chairman of the Select Committee may “authorize and issue subpoenas pursuant to clause 2(m) of rule XI in the investigation and study” conducted pursuant to the enumerated purposes and functions of the Select Committee.¹⁵

The October 6, 2021, subpoena to Mr. Scavino was duly issued pursuant to section 5(c)(4) of House Resolution 503 and clause 2(m) of rule XI of the Rules of the House of Representatives.¹⁶ The subpoena was served to Susan Wiles at Mar-a-Lago, Mr. Scavino’s current place of employment. Ms. Wiles represented herself as Chief of Staff to former President Trump, with

¹⁴ House Rule XI, cl. 2(m)(1)(B), 117th Cong. (2021); H. Res. 503, 117th Cong § 5(c)(4) (2021).

¹⁵ H. Res. 503, 117th Cong § 5(c)(6) (2021).

¹⁶ Section 5(c)(4) of H. Res. 503 invokes clause 2(m)(3)(A)(i) of rule XI, which states in pertinent part: “The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chair of the committee under such rules and under such limitations as the committee may prescribe.”

Messrs. Stanley Woodward and Stan Brand
Page 5

whom Mr. Scavino is still employed. She further represented that she was authorized to accept the subpoena on Mr. Scavino's behalf. Additionally, we have had no indication that you or your client are not in receipt of the subpoena and schedule. To the contrary, you have quoted extensively from the schedule, which is clearly within your possession. Nonetheless, the Select Committee is prepared to serve the subpoena on you as his counsel of record. Per your email of November 23, 2021, confirming that Mr. Scavino authorized you to accept service of the subpoena on his behalf, the Select Committee will provide you with a new subpoena by email this week reflecting the dates set forth in this letter.

Please confirm receipt of this letter, and no later than 12:00pm on Monday, November 29, confirm Mr. Scavino's intent to appear for his deposition on December 1. The Select Committee will view Mr. Scavino's failure to appear for the deposition and respond to the subpoena as willful non-compliance. His continued failure to produce documents pursuant to the subpoena also constitutes willful non-compliance. Mr. Scavino has a short time in which to cure his non-compliance. The continued, willful non-compliance with the subpoena would force the Select Committee to consider invoking the contempt of Congress procedures in 2 U.S.C. §§192, 194—which could result in a referral from the House to the Department of Justice for criminal charges—as well as the possibility of having a civil action to enforce the subpoena brought against Mr. Scavino in his personal capacity.

Sincerely,



Bernie G. Thompson
Chairman

**Exhibit 4 — Letter from Chairman Thompson to Counsel for
Mr. Scavino (Feb. 4, 2022)**

RONNIE G. THOMPSON, ROSSFORD, OHIO
CHAIRMAN

ZOE LORSAEN, CALIFORNIA
ADAM B. BERRY, CALIFORNIA
PETE ADLIGAR, CALIFORNIA
STEPHANIE A. BERRY, FLORIDA
JAMES HARRIS, MARYLAND
ELLEN G. LUNA, VIRGINIA
LUCYFERE BYRONNE
ADAM KROENGER, ILLINOIS



U.S. House of Representatives
Washington, DC 20541

thompsonr@hhs.gov
(202) 225-7800

One Hundred Nineteenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

February 4, 2022

Mr. Stanley E. Woodward, Jr.
Mr. Stan M. Brand

Dear Messrs. Woodward and Brand,

I write regarding the documents and deposition testimony sought from your client, Daniel J. Scavino, Jr., by the Select Committee to Investigate the January 6th Attack on the U.S. Capitol ("Select Committee"). As you know, in response to the Select Committee's subpoena to Mr. Scavino for this information, you have repeatedly cited the pendency of litigation brought by former President Trump in *Trump v. Thompson* as a rationale for Mr. Scavino's refusal to provide documents and testimony to the Select Committee.¹ Mr. Scavino then failed to appear for his December 1, 2021, deposition.

The Select Committee is in receipt of your December 13, 2021, letter regarding the requested testimony and documents from your client, Mr. Scavino.² That letter failed to state a legitimate basis for Mr. Scavino's non-compliance with the Select Committee's demands. In the interim, in *Trump v. Thompson*—the litigation cited in your letters on November 5, 15, and 25, 2021—the Supreme Court declined to halt the production of documents to the Select Committee based on former-President Trump's blanket assertions of executive privilege.³ In light of these circumstances, we offer Mr. Scavino a final invitation to reconsider his prior refusal to provide documents and testimony to the Select Committee.

The Select Committee has been more than accommodating to Mr. Scavino's requests. Pursuant to the Select Committee's October 6, 2021, subpoena, Mr. Scavino was required to produce documents by October 21, 2021, and to appear for testimony on October 28, 2021.⁴ The Select Committee has extended those deadlines five times. Further, throughout several rounds of correspondence,⁵ the Select Committee has more than adequately addressed your questions about the jurisdiction of the Select Committee and subjects we intend to address at the deposition.

¹ Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 5, 2021) at pg. 2; Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 15, 2021), at pg. 3; Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 26, 2021) at pg. 2.

² Letter from S. Brand and S. Woodward to Chairman Thompson (Dec. 13, 2021).

³ *Trump v. Thompson*, 595 U.S. ____ (2022).

⁴ Letter from Chairman Thompson to D. Scavino (Oct. 6, 2021) at pg. 1.

⁵ See Letter from Chairman Thompson to S. Brand and S. Woodward (Nov. 9, 2021) at pg. 2; Letter from Chairman Thompson to S. Brand and S. Woodward (Nov. 23, 2021) at pg. 3; Letter from Chairman Thompson to S. Brand and S. Woodward (Dec. 9, 2021) at pg. 2.

Messrs. Stanley Woodward and Stan Brand
Page 2

However, Mr. Scavino has neither produced a single document, nor did he appear for his deposition on December 1, 2021. In a November 30, 2021, phone conversation between counsel, you refused to even concede the pertinence of an inquiry regarding Mr. Scavino's potential knowledge of any planned violence on January 6th, instead asserting that it was likely Mr. Scavino had no such knowledge. When Select Committee counsel attempted to narrow the topics in dispute by requesting that you identify the areas of inquiry for which your client had no responsive information or documents, you declined to do so.

Mr. Scavino's contention that executive privilege exempts him from cooperation with the Select Committee holds no merit. Mr. Trump has never had any correspondence with the Select Committee asserting executive privilege over Mr. Scavino's documents or testimony. However, even if he had, Mr. Scavino would not enjoy absolute immunity from appearing before the Select Committee to assert any privilege claims he may have. All courts that have reviewed this issue have been clear: even senior White House aides who advise the President on official government business are not immune from compelled congressional process simply because executive privilege has been invoked.⁶

Further, as our prior correspondence and communications with you have made clear, the Select Committee seeks information from Mr. Scavino on numerous subjects beyond the scope of executive privilege. The law is clear that executive privilege applies only to communications related to official duties of close presidential advisers, not testimony about unofficial duties.⁷ Here, the Select Committee has obtained records demonstrating repeated contacts between Mr. Scavino, campaign officials, and other third parties that are completely unrelated to his official duties or governmental functions. These communications involve messaging and strategy for Mr. Trump's 2020 campaign and subsequent efforts to overturn the election results. Questions regarding these matters, in addition to others also identified in prior correspondence with you, are unrelated to Mr. Scavino's official duties. Additionally, as we have previously noted, the Select Committee has subpoenaed communications on Mr. Scavino's personal social media or other accounts and communications with third-party individuals whose inclusion would mean that they cannot be reached by claims of executive privilege.⁸

Mr. Scavino has a legal obligation to appear before the Select Committee to address these and other topics. Should he continue to object to providing testimony on subjects of the Select Committee's inquiry, he should appear and assert those objections with particularity on the record.

⁶ See *Committee on the Judiciary v. McGahn*, 415 F.Supp.3d 148, 214 (D.D.C. 2019) (and subsequent history) ("To make the point as plain as possible, it is clear to this Court for the reasons explained above that, with respect to senior-level presidential aides, absolute immunity from compelled congressional process simply does not exist."); *Committee on the Judiciary v. Afters*, 558 F. Supp.2d 53, 101 (D.D.C. 2008) (holding that White House counsel may not refuse to testify based on direction from the President that testimony will implicate executive privilege).

⁷ *Nixon v. Administrator of General Services (GSA)*, 433 U.S. 425, 449 (1977); *In re Sealed Case (Espy)*, 121 F.3d 729, 752 (D.C. Cir. 1997).

⁸ Letter from Chairman Thompson to S. Brand and S. Woodward (Nov. 9, 2021) at pg. 2; Letter from Chairman Thompson to S. Brand and S. Woodward (Nov. 23, 2021) at pg. 1

Messrs. Stanley Woodward and Stan Brand
Page 3

Please inform the Select Committee not later than February 8, 2022, whether Mr. Scavino will provide documents and testimony, in accordance with clearly articulated Supreme Court precedent.

Finally, I remind you that Mr. Scavino had a legal obligation to provide to the National Archives any official messages he may have sent on his personal devices. As the Trump Administration's White House Counsel stated—in an attached memorandum—the intentional failure to preserve applicable records may subject him to criminal penalties. Destruction of those materials would be a serious matter; they belong to the United States.⁹

If Mr. Scavino persists in his refusal to meaningfully cooperate with the Select Committee's investigation, the Select Committee will consider enforcement action, including the contempt of Congress procedures in 2 U.S.C. §§192, 194—which could result in a referral from the House to the Department of Justice for criminal charges—as well as the possibility of having a civil action to enforce the subpoena brought against Mr. Scavino in his personal capacity.

Sincerely,



Bennie G. Thompson
Chairman

Enclosures.

⁹ Memorandum from Donald McGahn to White House Personnel (Feb. 22, 2017) at pg. 3.

THE WHITE HOUSE
WASHINGTON

February 22, 2017

MEMORANDUM FOR ALL PERSONNEL

THROUGH: DONALD F. McGAHN II
Counsel to the President

FROM: STEFAN C. PASSANTINO
Deputy Counsel to the President, Compliance and Ethics

SCOTT F. GAST
Senior Associate Counsel to the President

JAMES D. SCHULTZ
Senior Associate Counsel to the President

SUBJECT: Presidential Records Act Obligations

Purpose

To remind all personnel of their obligation to preserve and maintain presidential records, as required by the Presidential Records Act ("PRA").

Discussion

The PRA requires that the Administration take steps "to assure that the activities, deliberations, decisions, and policies that reflect the performance of the President's constitutional, statutory, or other official or ceremonial duties are adequately documented and that such records are preserved and maintained." This memorandum outlines what materials constitute "presidential records" and what steps you must take to ensure their preservation.

What Are Presidential Records?

"Presidential records" are broadly defined as "documentary materials . . . created or received by the President, the President's immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise or assist the President,¹ in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President." Presidential records include material in both paper and electronic form.

¹ The PRA applies to the following Executive Office of the President ("EOP") entities: White House Office, Office of the Vice President, Council of Economic Advisors, Executive Residence, Office of Administration, Office of Policy Development (DPC and NEC), National Security Council, President's Commission on White House Fellows, and President's Intelligence Advisory Board.]

Some materials that are considered presidential records include:

- Memos, letters, notes, emails, faxes, reports, and other written communications sent to or received from others, including materials sent to or received from persons outside government;
- Drafts, marked-up edits, or comments that are circulated or shown to others;
- Notes or minutes of meetings that are circulated or shown to others;
- Meeting minutes, memos to file, notes, drafts, and similar documents that are created or saved for the purpose of accurately documenting the activities or deliberations of the Administration, even if such materials are not circulated or shown to others;
- PowerPoint presentations, audio recordings, photos, and video footage;
- Emails, chats, and other electronic communications that are created or received in the course of conducting activities related to the performance of the President's duties, but that are sent from or received on non-official accounts; and
- Transition materials, but only if they are used in the course of official government business.

Purely personal records that do not relate to or have an effect upon the carrying out of the President's official duties do not need to be preserved. Similarly, political records need not be preserved unless they relate to or have a direct effect upon the President's official duties. Finally, certain materials that lack historic value are not covered by the PRA — for example, notes, drafts, and similar documents that are not circulated or that are not created or saved for the purpose of documenting the activities or deliberations of the Administration.

What Steps Should Be Taken to Preserve Presidential Records?

Paper Records. You should preserve hard-copy presidential records in organized files. To the extent practicable, you should categorize materials as presidential records when they are created or received. You should file presidential records separately from other material. Paper records are typically collected at the end of your White House service, but may be collected at an earlier point by contacting the White House Office of Records Management ("WHORM"). Any records collected by WHORM remain available to the staff member who provided them.

Electronic Records. You must preserve electronic communications that are presidential records. You are required to conduct all work-related communications on your official EOP email account, except in emergency circumstances when you cannot access the EOP system and must accomplish time sensitive work. Emails and attachments sent to and from your EOP account are automatically archived.

*If you ever send or receive email that qualifies as a presidential record using any other account, you **must** preserve that email by copying it to your official EOP email account or by forwarding it to your official email account within twenty (20) days. After preserving the email, you must delete it from the non-EOP account. Any employee who intentionally fails to take these actions may be subject to administrative or even criminal penalties.*

The same rules apply to other forms of electronic communication, including text messages. *You should not use instant messaging systems, social networks, or other internet-based means of electronic communication to conduct official business without the approval of the Office of the White House Counsel.* If you ever generate or receive presidential records on such platforms, you must preserve them by sending them to your EOP email account via a screenshot or other means. After preserving the communications, you must delete them from the non-EOP platform.

Electronic documents that qualify as presidential records and only exist in electronic format must be saved on your network drive or regularly synchronized to it. You must archive files that you are no longer using; you must not delete them. Your network drive will be captured upon your departure from the EOP, which will secure any presidential records you have saved.

At all times, please keep in mind that presidential records are the property of the United States. You may not dispose of presidential records. When you leave EOP employment, you may not take any presidential records with you. You also may not take copies of any presidential records without prior authorization from the Counsel's office. The willful destruction or concealment of federal records is a federal crime punishable by fines and imprisonment.

Any questions about compliance with the Presidential Records Act may be directed to Stefan Passantino (b) (6), Scott Gast (b) (6), or Jim Schultz (b) (6).

**Exhibit 5 — Letter from White House Counsel to Counsel for
Mr. Scavino (Mar. 15, 2022)**



THE WHITE HOUSE
WASHINGTON

March 15, 2022

Stanley Woodward
Brand Woodward Law
[REDACTED]

Dear Mr. Woodward:

I write regarding a subpoena sent to your client, Daniel Scavino, Jr., former Assistant to the President and Director of Social Media, from the Select Committee to Investigate the January 6th Attack on the United States Capitol (the "Select Committee").

As you are aware, in light of unique and extraordinary nature of the matters under investigation, President Biden has determined that an assertion of executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee. These subjects include: events within the White House on or about January 6, 2021; attempts to use the Department of Justice to advance a false narrative that the 2020 election was tainted by widespread fraud; and other efforts to alter election results or obstruct the transfer of power. President Biden accordingly has decided not to assert executive privilege as to Mr. Scavino's testimony regarding those subjects, or any documents he may possess that bear on them. For the same reasons underlying his decision on executive privilege, President Biden has determined that he will not assert immunity to preclude your client from testifying before the Select Committee.

In light of President Biden's determination not to assert executive privilege with respect to Mr. Scavino's testimony, we are not requesting that agency counsel be permitted to attend his deposition. Should you have any questions about the issues addressed in this letter, please contact me at [REDACTED].

Sincerely,

Jonathan C. Su
Deputy Counsel to the President

cc: [REDACTED]

Select Committee to Investigate the January 6th Attack on the United States Capitol

Exhibit 6 — Subpoena to Daniel Scavino, Jr. (Sept. 23, 2021)

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE
CONGRESS OF THE UNITED STATES OF AMERICA

Daniel Scavino, Jr.

To

You are hereby commanded to be and appear before the
Select Committee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

- ☒ to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production:

Date: October 7, 2021

Time: 10:00 a.m.

- ☒ to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony:

Date: October 15, 2021

Time: 10:00 a.m.

- ☐ to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony:

Date:

Time:

To any authorized staff member or the United States Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at
the city of Washington, D.C. this 23rd day of September, 2021

Attest

Clerk

Chairman or Authorized Member

PROOF OF SERVICE

Subpoena for Daniel Scavino, Jr.

Address [REDACTED]

[REDACTED]

before the Select Committee to Investigate the January 6th Attack on the United States Capitol

U.S. House of Representatives
117th Congress

Served by (print name) _____

Title _____

Manner of service _____

Date _____

Signature of Server _____

Address _____

RENEE D. THOMPSON, MICHIGAN
CHAIRMAN

ZOE LUFKIN, CALIFORNIA
SCOTT E. SCHIFF, CALIFORNIA
PETE AGUIAR, CALIFORNIA
STEPHAN L. MURPHY, FLORIDA
JANE HIRSH, MARYLAND
ELANE S. LUNA, VIRGINIA
J.C. KEMERY, WYOMING
ADAM KINZINGER, ILLINOIS



U.S. House of Representatives
Washington, DC 20543
jane@hhs.house.gov
(202) 225-7800

One Hundred Seventeenth Congress
Select Committee to Investigate the January 6th Attack on the United States Capitol

September 23, 2021

Mr. Daniel J. Scavino, Jr.



Dear Mr. Scavino:

Pursuant to the authorities set forth in House Resolution 503 and the rules of the House of Representatives, the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Select Committee") hereby transmits a subpoena that compels you to produce the documents set forth in the accompanying schedule by October 7, 2021, and to appear for a deposition on October 15, 2021.

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021, and the messages, videos, and internet communications that were disseminated to the public concerning the election, the transition in administrations, and the constitutional and statutory processes that effect that transition.

The Select Committee has reason to believe that you have information relevant to understanding important activities that led to and informed the events at the Capitol on January 6, 2021, and relevant to former President Trump's activities and communications in the period leading up to and on January 6. For example, the Select Committee has reason to believe that you have knowledge regarding the communications strategy of the former President and his supporters leading up to the events on January 6. As the Deputy Chief of Staff for Communications, reporting indicates that you were with the former President on January 5, when he and others were considering how to convince Members of Congress not to certify the election for Joe Biden.¹ Your public Twitter account makes clear that you were tweeting messages from the White House on January 6, 2021.² And prior to January 6, 2021, you promoted, through your Twitter messaging, the January 6 March for Trump, which encouraged people to "be a part of history."³ Your long service with the former President—spanning more than a decade and which included service as his digital strategy director, overseeing his social media presence, including on Twitter—suggest that you have knowledge concerning communications involving the 2020 presidential election and rallies and activities supporting and including the former President on January 6.

¹ BOB WOODWARD & ROBERT COSTA, *PERIL*, at 231 (2021).

² E.g., Dan Scavino[American flag][eagle] (@DanScavino), Twitter (Jan. 6, 2021, 11:12 AM, from The White House), <https://twitter.com/DanScavino/status/1346584669905168385?c=20>; Dan Scavino[American flag][eagle] (@DanScavino), Twitter (Jan. 6, 2021, 10:50 AM, from The White House), <https://twitter.com/danscavino/status/1346546609905168385?lang=en>.

³ Dan Scavino[American flag][eagle] (@DanScavino), Twitter (Jan. 2, 2021, 9:04 PM), <https://twitter.com/DanScavino/status/1345551501440245762?c=20>.

Mr. Daniel J. Scavino, Jr.

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It also appears that you were with or in the vicinity of former President Trump on January 6 and are a witness regarding his activities that day. You may also have materials relevant to his videotaping and tweeting messages on January 6. Accordingly, the Select Committee seeks both documents and your deposition testimony regarding these and other matters that are within the scope of the Select Committee's inquiry.

A copy of the rules governing Select Committee depositions, and a copy of document production definitions and instructions are attached. Please contact staff for the Select Committee at [REDACTED] to arrange for the production of documents.

Sincerely,

A handwritten signature in black ink, appearing to read "Bennie G. Thompson".

Bennie G. Thompson
Chairman

Mr. Daniel J. Scavino, Jr.
Page 3

SCHEDULE

In accordance with the attached Definitions and Instructions, you, Mr. Daniel Scavino, Jr., are hereby required to produce all documents and communications in your possession, custody, or control control—including any such documents or communications stored or located on personal devices (e.g., personal computers, cellular phones, tablets, etc.), in personal or campaign accounts, and/or on personal or campaign applications (e.g., email accounts, contact lists, calendar entries, etc.)—referring or relating to the following items. If no date range is specified below, the applicable dates are for the time period April 1, 2020-present.

1. The January 6, 2021, rally on the mall and Capitol grounds in Washington, D.C., in support of President Donald J. Trump and opposition to certification of the results of the 2020 presidential election, including any permitting, planning, objectives, financing, and conduct, as well as any communications to or from any person or group involved in organizing or planning for the January 6, 2021, rally.
2. Then-President Trump's participation in the January 6, 2021, rally, including any communications with President Trump or any paid or unpaid attorney, advisor, assistant, or aide to President Trump relating to the nature, context, or content of President Trump's intended or actual remarks to those attending the January 6, 2021, rally.
3. Communications referring or relating to the nature, planning, conduct, message, purpose, objective, promotion of, or participation in the January 6, 2021, rally that were between or among any person who, during the Administration of former President Trump, worked in the White House complex, including any employee or detailee.
4. Your communications with President Donald J. Trump concerning delaying or preventing the certification of the election of Joe Biden as President or relating to the rallies of January 5 or January 6, 2021.
5. Plans to communicate, or actual communications, relating to alleged fraud or other election irregularities in connection with the 2020 presidential election.
6. Communications with any non-governmental entity, organization, or individual relating to the January 6, 2021, rally, including any statements or other materials you or members of your office provided to any such entity, organization, or individual in connection with the planning, objectives, organization, message of, sponsorship and participation in the January 6, 2021, rally.
7. All communications regarding President Trump's meetings and communications that day.
8. Communications with any individual or organization, within or outside the government, referring or related to the activities and events at the January 6, 2021, rally, including messaging or characterization of those activities and events following the January 6, 2021, rally.
9. Any communications with, including any materials or statements you provided directly or indirectly to, any Member of Congress or the staff of any Member of Congress referring or related to the planning, objectives, organization, message, sponsorship, or participation in the January 6, 2021, rally.
10. Anyone with whom you communicated by any means regarding any aspect of the planning, objectives, conduct, message of, promotion of, or participation in the January 6, 2021, rally.

Mr. Daniel J. Scavino, Jr.

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11. From November 3, 2020, through January 6, 2021, any efforts, plans, or proposals to contest the 2020 Presidential election results or delay, influence, or impede the electoral count, including all tweets or posts on Parler urging attendance at the January 6 rally.
12. The role of the Vice President as the Presiding Officer in the certification of the votes of the electoral college.
13. All briefings or information from the United States Secret Service regarding participants at the January 6 rally on the Ellipse or the march to Capitol Hill, and all information relating to any plans or statements by President Trump that he would attend or participate in the events on Capitol Hill on January 6.
14. All communications with the Trump family on January 6, 2021.
15. All materials relating to former President Trump's videotaped messages on January 6 or regarding January 6, including all unused takes or recordings made that day.

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this request, produce all responsive documents, regardless of classification level, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Committee").
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. With specific reference to classified material, you will coordinate with the Committee's Security Officer to arrange for the appropriate transfer of such information to the Committee. This includes, but is not necessarily limited to: a) identifying the classification level of the responsive document(s); and b) coordinating for the appropriate transfer of any classified responsive document(s).
5. Electronic document productions should be prepared according to the following standards:
 - a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - b. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME,
SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE,
ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, ITITLE,
FILENAME, FILETEXT, FILESIZE, DATECREATED, TIMECREATED,
DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER,
NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
10. The pendency of or potential for litigation shall not be a basis to withhold any information.
11. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
12. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.
14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.
15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).
16. If a date or other descriptive detail set forth in this request referring to a document

is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
18. All documents shall be Bates-stamped sequentially and produced sequentially.
19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term "including" shall be construed broadly to mean "including, but not limited to."
5. The term "Company" means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; (b) the individual's business or personal address and phone number; and (c) any and all known aliases.
7. The term "related to" or "referring or relating to," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term "employee" means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, assignee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term "individual" means all natural persons and all persons or entities acting on their behalf.

January 4, 2021

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health, safety, and well-being of others present in the Chamber and surrounding areas. Members and staff will not be permitted to enter the Hall of the House without wearing a mask. Masks will be available at the entry points for any Member who forgets to bring one. The Chair views the failure to wear a mask as a serious breach of decorum. The Sergeant-at-Arms is directed to enforce this policy. Based upon the health and safety guidance from the attending physician and the Sergeant-at-Arms, the Chair would further advise that all Members should leave the Chamber promptly after casting their votes. Furthermore, Members should avoid congregating in the rooms leading to the Chamber, including the Speaker's lobby. The Chair will continue the practice of providing small groups of Members with a minimum of 5 minutes within which to cast their votes. Members are encouraged to vote with their previously assigned group. After voting, Members must clear the Chamber to allow the next group a safe and sufficient opportunity to vote. It is essential for the health and safety of Members, staff, and the U.S. Capitol Police to consistently practice social distancing and to ensure that a safe capacity be maintained in the Chamber at all times. To that end, the Chair appreciates the cooperation of Members and staff in preserving order and decorum in the Chamber and in displaying respect and safety for one another by wearing a mask and practicing social distancing. All announced policies, including those addressing decorum in debate and the conduct of votes by electronic device, shall be carried out in harmony with this policy during the pendency of a covered period.

117TH CONGRESS REGULATIONS FOR USE OF DEPOSITION AUTHORITY

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(b) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding the conduct of depositions by committee and select committee counsel for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,
Chairman, Committee on Rules.
REGULATIONS FOR THE USE OF DEPOSITION
AUTHORITY

1. Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths. Depositions may continue from day to day.

2. Consultation with the ranking minority member shall include three days' notice before any deposition is taken. All members of the committee shall also receive three days written notice that a deposition will be taken, except in exigent circumstances. For purposes of these procedures, a day shall not include Saturdays, Sundays, or legal holidays except when the House is in session on such a day.

3. Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.

4. The chair of the committee noticing the deposition may designate that deposition as part of a joint investigation between committees, and in that case, provide notice to the members of the committees. If such a designation is made, the chair and ranking minority member of the additional committee(s) may designate committee staff to attend pursuant to regulation 3. Members and designated staff of the committees may attend and ask questions as set forth below.

5. A deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition. When depositions are conducted by committee counsel, there shall be no more than two committee counsel permitted to question a witness per round. One of the committee counsel shall be designated by the chair and the other by the ranking minority member per round.

6. Deposition questions shall be propounded in rounds. The length of each round shall not exceed 60 minutes per side, and shall provide equal time to the majority and the minority. In each round, the member(s) or committee counsel designated by the chair shall ask questions first, and the member(s) or committee counsel designated by the ranking minority member shall ask questions second.

7. Objections must be stated concisely and in a non-argumentative and non-suggestive manner. A witness's counsel may not instruct a witness to refuse to answer a question, except to preserve a privilege. In the event of professional, ethical, or other misconduct by the witness's counsel during the deposition, the Committee may take any appropriate disciplinary action. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair overrules any such objection and thereby orders a witness to answer any question to which an objection was lodged, the witness shall be ordered to answer. If a member of the committee chooses to appeal the ruling of the chair, such appeal must be made within three days, in writing, and shall be preserved for committee consideration. The Committee's ruling on appeal shall be filed with the clerk of the Committee and shall be provided to the members and witness no less than three days before the reconvened deposition. A deponent who refuses to answer a question after being directed to answer by the chair may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed by the committee on appeal.

8. The Committee chair shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the chair. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

9. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the committee for the committee's use. The chair and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

10. The chair and ranking minority member shall consult regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript, or recording, or a portion thereof, the matter shall be promptly referred to the committee for resolution.

11. A witness shall not be required to testify unless the witness has been provided with a copy of section 3(b) of H. Res. 8, 117th Congress, and these regulations.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(s) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding remote committee proceedings for printing in the CONGRESSIONAL RECORD.

Sincerely,

JAMES P. MCGOVERN,
Chairman,
Committee on Rules.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8

A. PRESENCE AND VOTING

1. Members participating remotely in a committee proceeding must be visible on the software platform's video function to be considered in attendance and to participate unless connectivity issues or other technical problems render the member unable to fully participate on camera (except as provided in regulations A.2 and A.3).

2. The exception in regulation A.1 for connectivity issues or other technical problems does not apply if a point of order has been made that a quorum is not present. Members participating remotely must be visible on the software platform's video function in order to be counted for the purpose of establishing a quorum.

3. The exception in regulation A.1 for connectivity issues or other technical problems does not apply during a vote. Members participating remotely must be visible on the software platform's video function in order to vote.

4. Members participating remotely off-camera due to connectivity issues or other technical problems pursuant to regulation A.1 must inform committee majority and minority staff either directly or through staff.

5. The chair shall make a good faith effort to provide every member experiencing connectivity issues an opportunity to participate fully in the proceedings, subject to regulations A.2 and A.3.

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health, safety, and well-being of others present in the Chamber and surrounding areas. Members and staff will not be permitted to enter the Hall of the House without wearing a mask. Masks will be available at the entry points for any Member who forgets to bring one. The Chair views the failure to wear a mask as a serious breach of decorum. The Sergeant-at-Arms is directed to enforce this policy. Based upon the health and safety guidance from the attending physician and the Sergeant-at-Arms, the Chair would further advise that all Members should leave the Chamber promptly after casting their votes. Furthermore, Members should avoid congregating in the rooms leading to the Chamber, including the Speaker's lobby. The Chair will continue the practice of providing small groups of Members with a minimum of 5 minutes within which to cast their votes. Members are encouraged to vote with their previously assigned group. After voting, Members must clear the Chamber to allow the next group a safe and sufficient opportunity to vote. It is essential for the health and safety of Members, staff, and the U.S. Capitol Police to consistently practice social distancing and to ensure that a safe capacity be maintained in the Chamber at all times. To that end, the Chair appreciates the cooperation of Members and staff in preserving order and decorum in the Chamber and in displaying respect and safety for one another by wearing a mask and practicing social distancing. All announced policies, including those addressing decorum in debate and the conduct of votes by electronic device, shall be carried out in harmony with this policy during the pendency of a covered period.

117TH CONGRESS REGULATIONS FOR USE OF DEPOSITION AUTHORITY

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(b) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding the conduct of depositions by committee and select committee counsel for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,
Chairman, Committee on Rules.

REGULATIONS FOR THE USE OF DEPOSITION AUTHORITY

1. Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths. Depositions may continue from day to day.

2. Consultation with the ranking minority member shall include three days' notice before any deposition is taken. All members of the committee shall also receive three days written notice that a deposition will be taken, except in exigent circumstances. For purposes of these procedures, a day shall not include Saturdays, Sundays, or legal holidays except when the House is in session on such a day.

3. Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.

4. The chair of the committee noticing the deposition may designate that deposition as part of a joint investigation between committees, and in that case, provide notice to the members of the committees. If such a designation is made, the chair and ranking minority member of the additional committee(s) may designate committee staff to attend pursuant to regulation 3. Members and designated staff of the committees may attend and ask questions as set forth below.

5. A deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition. When depositions are conducted by committee counsel, there shall be no more than two committee counsel permitted to question a witness per round. One of the committee counsel shall be designated by the chair and the other by the ranking minority member per round.

6. Deposition questions shall be propounded in rounds. The length of each round shall not exceed 60 minutes per side, and shall provide equal time to the majority and the minority. In each round, the member(s) or committee counsel designated by the chair shall ask questions first, and the member(s) or committee counsel designated by the ranking minority member shall ask questions second.

7. Objections must be stated concisely and in a non-argumentative and non-suggestive manner. A witness's counsel may not instruct a witness to refuse to answer a question, except to preserve a privilege. In the event of professional, ethical, or other misconduct by the witness's counsel during the deposition, the Committee may take any appropriate disciplinary action. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair overrules any such objection and thereby orders a witness to answer any question to which an objection was lodged, the witness shall be ordered to answer. If a member of the committee chooses to appeal the ruling of the chair, such appeal must be made within three days, in writing, and shall be preserved for committee consideration. The Committee's ruling on appeal shall be filed with the clerk of the Committee and shall be provided to the members and witness no less than three days before the reconvened deposition. A deponent who refuses to answer a question after being directed to answer by the chair may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed by the committee on appeal.

8. The Committee chair shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the chair. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

9. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the committee for the committee's use. The chair and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

10. The chair and ranking minority member shall consult regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript, or recording, or a portion thereof, the matter shall be promptly referred to the committee for resolution.

11. A witness shall not be required to testify unless the witness has been provided with a copy of section 3(b) of H. Res. 8, 117th Congress, and these regulations.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(s) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding remote committee proceedings for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,
Chairman,
Committee on Rules.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8

A. PRESENCE AND VOTING

1. Members participating remotely in a committee proceeding must be visible on the software platform's video function to be considered in attendance and to participate unless connectivity issues or other technical problems render the member unable to fully participate on camera (except as provided in regulations A.2 and A.3).

2. The exception in regulation A.1 for connectivity issues or other technical problems does not apply if a point of order has been made that a quorum is not present. Members participating remotely must be visible on the software platform's video function in order to be counted for the purpose of establishing a quorum.

3. The exception in regulation A.1 for connectivity issues or other technical problems does not apply during a vote. Members participating remotely must be visible on the software platform's video function in order to vote.

4. Members participating remotely off-camera due to connectivity issues or other technical problems pursuant to regulation A.1 must inform committee majority and minority staff either directly or through staff.

5. The chair shall make a good faith effort to provide every member experiencing connectivity issues an opportunity to participate fully in the proceedings, subject to regulations A.2 and A.3.

**Exhibit 7 — Letter from Counsel for Mr. Scavino to
Chairman Thompson (Nov. 5, 2021)**

BRAND | WOODWARD
Attorneys at Law

Stan M. Brand

Stanley E. Woodward Jr.

November 5, 2021

VIA ELECTRONIC MAIL

The Honorable Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, District of Columbia 20515

Re: Daniel J. Scavino, Jr.

Dear Chairman Thompson:

We write on behalf of our client, Daniel J. Scavino, Jr. in response to your October 6, 2021, subpoena for records to Mr. Scavino as well as pursuant to our October 20, 2021, October 27, 2021, November 3, 2021, email correspondence with your Staff.

Specifically, you advise: "The Select Committee has reason to believe that [Mr. Scavino] [has] information relevant to understanding important activities that led to and informed the events at the Capitol on January 6, 2021, and relevant to former President Trump's activities and communications in the period leading up to and on January 6." As you are aware, in the period leading up to and on January 6, Mr. Scavino served as senior advisor and Deputy Chief of Staff for Communications to President Trump. As such, the Committee's subpoena requests records related to the communications between and among President Trump and his close advisors – information protected by the executive privilege so as to "safeguard[] the public interest in candid, confidential deliberations within the Executive Branch," and "information subject to the greatest protection consistent with the fair administration of justice." *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2024 (2020) (quoting *United States v. Nixon*, 418 U.S. 683, 715 (1974)) (internal quotations omitted).

To that end, we are aware that on August 25, 2021, the Committee also issued a subpoena to the National Archives and Records Administration seeking records from the Executive Office of the President. On October 8, 2021, President Trump, pursuant to the Presidential Records Act, 44 U.S.C. §§ 2201-2209, and Executive Order No. 13489, advised the Archivist of his formal assertion of executive privilege with respect to the limited number of documents then identified by the Archivist as responsive to the Committee's

BRAND | WOODWARD
Attorneys at Law

November 5, 2021
Page 2

subpoena, as well as a protective assertion of executive privilege over any additional materials that may be identified as responsive by the Archivist or otherwise requested by the Committee. Then, on October 18, 2021, President Trump filed suit in the United States Federal District Court for the District of Columbia seeking, *inter alia*, a declaratory judgment recognizing the valid assertion of the executive privilege as well as an injunction enjoining the Archivist from providing such privileged records pursuant to its subpoena. Complaint, *Trump v. Thompson*, No. 1:21-cv-02769 (D.D.C. Oct. 18, 2021) (ECF No. 01). President Trump's legal challenge remains pending as of the date of this correspondence.

The Committee's subpoena for President Trump's records thus presents legitimate separation of powers concerns and exactly the type of interbranch conflict that the Supreme Court acknowledged requiring "careful analysis that takes adequate account of the separation of powers principles at stake, including both the significant legislative interests of Congress and the 'unique position' of the President." *Mazars*, 140 S. Ct. at 2035.

Moreover, our understanding is that any records responsive to the Committee's subpoena to Mr. Scavino are records that would have been generated or otherwise received in his official capacity as a senior advisor to and as Deputy Chief of Staff for Communications to President Trump. These records, accordingly, were provided to the National Archives and Records Administration upon Mr. Scavino's separation from the White House. The Committee's subpoena to Mr. Scavino therefore seeks the same records for which President Trump has asserted executive privilege and places Mr. Scavino in the center of this interbranch conflict. That Mr. Scavino, now a *private citizen*, is *also* in the possession, custody, or control of any duplicate records, does not otherwise resolve the interbranch conflict created by the assertion of executive privilege by a former President. See *Mazars*, 140 S.Ct. at 2035 ("[S]eparation of powers concerns are no less palpable . . . simply because the subpoenas were issued to third parties.").

Mr. Scavino's production of records responsive to the Committee's subpoena would therefore interfere with President Trump's assertion of executive privilege and would serve to inadvertently moot the legal claims validly asserted by President Trump. See, e.g., Saikrishna Prakash, *Trump is Right: Former Presidents Can Assert Executive Privilege*, *The Washington Post* (Oct. 29, 2021) ("Had Biden quickly released the documents after receiving the request, the privilege claim would have been moot and a suit would have been pointless."). Indeed, this is consistent with the President's own directive to Mr. Scavino that he "not produce any documents concerning [his] official duties in response to the Subpoena" and to invoke all applicable privileges and immunities protecting such records from production pursuant to your subpoena. A copy of this correspondence is attached for your reference. Mr. Scavino can therefore not be compelled to produce such records until a determination of the applicability of President Trump's assertion of Executive Privilege is fully and finally litigated. See *United States v. Bryan*, 339 U.S. 323, 330 (1950) ("Ordinarily, one charged with contempt of court for failure to comply with a court order makes a complete defense by proving that he is unable to comply"). See also *United States ex rel.*

BRAND | WOODWARD
Attorneys at Law

November 5, 2021
Page 3

Touhy v. Ragen, 340 U.S. 462 466-467 (1951) (holding that a subordinate acting in pursuance of valid regulation prohibiting disclosure was justified in refusing to comply with a subpoena).

As we have discussed with your Staff, our review of Mr. Scavino's records is ongoing. We have agreed to continue to advise your Staff of the progress of our review and acknowledge the possibility that there may be records within Mr. Scavino's possession, custody, or control that were not generated or otherwise received in Mr. Scavino's professional capacity as senior advisor to or Deputy Chief of Staff for Communications to President Trump. To the extent such records exist, or to the extent of a final adjudication on the merits of President Trump's assertion of the executive privilege issues, we expressly reserve Mr. Scavino's right to assert any other applicable privilege or other objection to the Committee's subpoena. We note, for example, that the House Counsel has made broad assertions of pertinence as to the specific records at issue. While we are not at this time in a position to fully assess those assertions given that the scope of potentially responsive records remains undefined, we are mindful that Congress's access to information is subject to several limitations and any subpoena it issues is valid only if it is "related to, and in furtherance of, a legitimate task of the Congress." *Watkins v. United States*, 354 U.S. 178, 215 (1957) ("It is obvious that a person compelled to make this choice is entitled to have knowledge of the subject to which the interrogation is deemed pertinent. That knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense.").

Should you have any questions, please do not hesitate to contact us.

Sincerely,



Stan M. Brand


Stanley E. Woodward Jr.

ELECTIONS, LLC

Attorneys at Law
Justin R. Clark

October 6, 2021

Mr. Dan Scavino

Dear Mr. Scavino:

I write in reference to a subpoena, dated September 23, 2021, by the Select Committee to Investigate the January 6th Attack on the United States Capitol (the “Select Committee”), that was issued to you (the “Subpoena”). The Subpoena requests that you produce documents by October 7, 2021, and appear for a deposition on October 15, 2021. While it is obvious that the Select Committee’s obsession with President Trump is merely a partisan attempt to distract from the disastrous Biden administration (e.g., the embarrassing withdrawal from Afghanistan, the overwhelming flood of illegal immigrants crossing our southern border, and growing inflation), President Trump vigorously objects to the overbreadth and scope of these requests and believes they are a threat to the institution of the Presidency and the independence of the Executive Branch.

Through the Subpoena, the Select Committee seeks records and testimony purportedly related to the events of January 6th, 2021, including but not limited to information which is unquestionably protected from disclosure by the executive and other privileges, including among others the presidential communications, deliberative process, and attorney-client privileges. President Trump is prepared to defend these fundamental privileges in court. Furthermore, President Trump believes that you are immune from compelled congressional testimony on matters related to your official responsibilities. See *Testimonial Immunity Before Congress of the Former Counsel to the President*, 43 Op. O.L.C. (May 20, 2019), available at <https://www.justice.gov/olc/opinions-man>.

Therefore, to the fullest extent permitted by law, President Trump instructs you to: (a) where appropriate, invoke any immunities and privileges you may have from compelled testimony in response to the Subpoena; (b) not produce any documents concerning your official duties in response to the Subpoena; and (c) not provide any testimony concerning your official duties in response to the Subpoena.

Thank you for your attention to this matter. Please do not hesitate to contact me, or have your counsel contact me, if you have any questions or would like to discuss.

Sincerely,



Justin Clark
Counsel to President Trump

**Exhibit 8 — Letter from Chairman Thompson to Counsel for
Mr. Scavino (Nov. 9, 2021)**

STANLEY E. WOODWARD, JR.
CHURCHMAN

JOE LOFORZI, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
PETE ABRAHAM, CALIFORNIA
STEPHAN L. MURPHY, FLORIDA
JAMES R. HARRIS, MARYLAND
ELIOT L. LUBIN, VIRGINIA
LUZ CHENEY, WYOMING
ADAM KINZINGER, ILLINOIS



U.S. House of Representatives
Washington, DC 20515
jmcav@hhs.house.gov
(202) 225-1300

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

November 9, 2021

Mr. Stanley E. Woodward, Jr.
[REDACTED]

Dear Mr. Woodward:

The Select Committee to Investigate the January 6th Attack ("Select Committee") is in receipt of your November 5, 2021, letter regarding the subpoena for documents and testimony served on your client, Daniel J. Scavino, Jr. (the "subpoena"). The letter represents that while you are still reviewing Mr. Scavino's records, you believe that "any records responsive to the Committee's subpoena to Mr. Scavino are records that would have been generated or otherwise received in his official capacity" and archived by the National Archives and Records Administration. You then assert that Mr. Scavino is therefore unable to provide the documents because President Donald J. Trump is contesting the release of documents and has instructed Mr. Scavino to "not produce any documents concerning [his] official duties in response to the Subpoena."

You have since communicated to Select Committee staff on November 7, 2021, that you are not currently aware of any responsive documents that fall outside the scope of President Trump's assertion of executive privilege, but that your review is ongoing. You further represented that Mr. Scavino is still considering whether he can provide deposition testimony regarding any topics outside of a claim of executive privilege.

Mr. Scavino was originally served his subpoena on October 8, 2021, and was required to provide documents by October 21 and appear for testimony on October 28. At your request, the Select Committee has twice extended the deadlines for production and testimony, ultimately demanding documents by November 5 and testimony on November 12.

First, regarding documents, you suggest that Mr. Scavino has some responsive documents that you are declining to produce pursuant to instruction from President Trump. If Mr. Scavino has responsive documents that he believes are covered by an applicable privilege, please provide a privilege log that specifically identifies each document and each privilege that he believes applies, so that the Select Committee can evaluate whether any additional actions are appropriate. Categorical claims of executive privilege are improper, and any claim of executive privilege must be asserted narrowly and specifically. See, e.g., *In re Sealed Case (Espy)*, 121 F.3d 729 (D.C. Cir. 1997); *Comm. on Oversight & Gov't Reform v. Holder*, No. 12-cv-1332, 2014 WL 12662665, at *2 (D.D.C. Aug. 20, 2014) (rejecting a "blanket" executive-privilege claim over subpoenaed documents). We also note that the Select Committee has subpoenaed all communications including those conducted on Mr. Scavino's personal social media or other accounts and with outside parties

Mr. Stanley Woodward
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whose inclusion in a communication with Mr. Scavino would mean that no executive privilege claim can be applicable to such communications.

Second, with respect to Mr. Scavino's deposition, the Select Committee appreciates your apparent willingness to work with us to identify areas of inquiry that are clearly outside any claim of executive privilege. To that end, we will provide further information about the topics we intend to develop with Mr. Scavino during the deposition. You indicated that you intend to meet with your client on November 10, 2021, to discuss whether Mr. Scavino will testify as to any of the below topics. Though the Select Committee reserves the right to question Mr. Scavino about other topics, at present, the Select Committee plans to question Mr. Scavino about his knowledge, actions, and communications, including communications involving Mr. Trump and others, with respect to the following:

- (1) Campaign-related activities, including efforts to count, not count, or audit votes, as well as discussions about election-related matters with state and local officials.
- (2) Meetings or other communications involving people who did not work for the United States government regarding efforts to overturn the results of the 2020 election. This includes, but is not limited to, an Oval Office meeting on December 18, at which Mr. Trump, Michael Flynn, Patrick Byrne, and others reportedly discussed campaign-related steps that Mr. Trump purportedly could take to change the outcome of the November 2020 election and remain in office for a second term, such as seizing voting machines, litigating, and appointing a special counsel. It also includes communications with organizers of the January 6 rally like Amy Kremer of Women for America First.
- (3) Advance knowledge of, and any preparations for, the possibility of violence during rallies and/or protests in Washington, D.C. related to the 2020 election results.
- (4) Meetings or communications regarding campaign-related planning and activities at the Willard Hotel, planning and preparation for Mr. Trump's speech at the Ellipse, Mr. Trump and other White House officials' actions and communications during and after the attack on the U.S. Capitol, including contact with members of Congress, law enforcement, the Department of Defense, and other federal agencies to address or respond to the attack.
- (5) Mr. Scavino's roles and responsibilities in the White House, and, if applicable, the 2020 Trump campaign.
- (6) Messaging to or from the White House, Trump reelection campaign, party officials, and others about purported fraud, irregularities, or malfeasance in the November 2020 election. This includes, but is not limited to, Mr. Trump's and others frequent use of the "Stop the Steal" slogan, even after lawsuits, investigations, public reporting, discussions with agency heads, and internally created documents revealed that there had not been widespread election fraud.
- (7) Messaging to or from Mr. Scavino's personal social media, email, or phone regarding any of the topics discussed herein in this list of 18 items.

Mr. Stanley Woodward

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- (8) White House officials' understanding of purported election-related fraud, irregularities, or malfeasance in the November 2020 election.
- (9) Efforts to pressure federal agencies, including the Department of Justice, to take actions to challenge the results of the presidential election, advance allegations of voter fraud, interfere with Congress's count of the Electoral College vote, or otherwise overturn President Biden's certified victory. This includes, but is not limited to, Mr. Trump and others' efforts to use the Department of Justice to investigate alleged election-related conduct, file lawsuits, propose that state legislatures take election-related actions, or replace senior leadership. It also includes similar efforts at other agencies such as the Department of Homeland Security, the Department of Defense, and, among others, the Cybersecurity and Infrastructure Security Agency.
- (10) Efforts to pressure state and local officials and entities, including state attorneys general, state legislators, and state legislatures, to take actions to challenge the results of the presidential election, advance unsubstantiated allegations of voter fraud, interfere with Congress's count of the Electoral College vote, de-certify state election results, appoint alternate states of electors, or otherwise overturn President Biden's certified victory. This includes, but is not limited to, an Oval Office meeting that reportedly occurred with legislators from Michigan, as well as a January 2, 2021, call with, among others, state officials, members of Congress, and Mr. Trump.
- (11) Theories and strategies regarding Congress and the Vice President's (as President of the Senate) roles and responsibilities when counting the Electoral College vote. This includes, but is not limited to, the theories and/or understandings of John Eastman, Mark Martin, former Vice President Pence, and others.
- (12) Efforts to pressure former Vice President Pence, members of his staff, and members of Congress to delay or prevent certification of the Electoral College vote. This includes, but is not limited to, meetings between, or including, the former Vice President, Mr. Trump, John Eastman, members of Congress, and others.
- (13) Communications and meetings with members of Congress about the November 2020 election, purported election fraud, actual or proposed election-related litigation, and election-related rallies and/or protests. This includes, but is not limited to, a December 21, 2021, meeting involving Mr. Trump, members of his legal team, and members of the House and Senate, during which attendees discussed objecting to the November 2020 election's certified Electoral College votes as part of an apparent fight "against mounting evidence of voter fraud."
- (14) Efforts by federal officials, including White House staff, Mr. Trump, the Trump reelection campaign, and members of Congress to plan or organize rallies and/or protests in Washington, D.C. related to the 2020 election results, including, but not limited to, the January 6 rally on the Ellipse. This includes, but is not limited to, Mr.

Mr. Stanley Woodward
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Scavino's planned appearance as a speaker at the rally and his communications with outside parties regarding that appearance.

(15) The possibility of invoking martial law, the Insurrection Act, or the 25th Amendment based on election-related issues or the events in the days leading up to, and including, January 6.

(16) Mr. Scavino's activities in generating social media content and monitoring social media for President Trump, including, but not limited to, his monitoring of social media sites like Reddit, Twitter, Facebook, Gab, and theDonald.win. This includes, but is not limited to, Mr. Scavino's knowledge of far-right memes, coded language, and whether or how some domestic violent extremist groups such as the Proud Boys interpreted messages from President Trump and other officials.

(17) The preservation or destruction of any information relating to the facts, circumstances, and causes relating to the attack of January 6th, including any such information that may have been stored, generated, or destroyed on personal electronic devices.

(18) Documents and information, including the location of such documents and information, that are responsive to the Select Committee's subpoena. This includes, but is not limited to, information stored on electronic devices that Mr. Scavino uses and has used.

As our investigation continues, we may develop additional information about the above-described areas or identify additional subjects about which we will seek information from your client.

We believe that these topics either do not implicate any cognizable claim of executive privilege or raise issues for which the Select Committee's need for the information is sufficiently compelling that it overcomes any such claim. To that end, please provide your input on the topics that the Select Committee has reiterated by way of this letter no later than Thursday, November 11. If there are areas listed above that you agree implicate no executive or other privilege, please identify those areas. Conversely, please articulate which privilege you believe applies to each area and how it is implicated. Our hope is that this process will sharpen our differences on privilege issues and allow us to develop unobjectionable areas promptly.

Mr. Scavino's deposition, scheduled for November 12, can proceed with a clearer understanding of our respective positions on these topics, and we can move one step closer towards the resolution of outstanding issues.

Finally, it is worth emphasizing an additional point specifically addressed in the pending litigation involving the National Archives. The incumbent President is responsible for guarding executive privilege, not former officials. See *Dellums v. Powell*, 561 F.2d 242, 247 (D.C. Cir. 1977); see also *Nixon v. GSA*, 433 U.S. 425, 449 (1977) (even the one residual privilege that a former president might assert, the communications privilege, exists "for the benefit of the Republic," rather than for the former "President as an individual"). With respect to the Select Committee's work, the incumbent President has expressly declined to assert executive privilege on a number of subjects on which the Select Committee has sought testimony or documents. See

Mr. Stanley Woodward
Page 5

Trump v. Thompson, Case No. 1:21-cv-2769 (TSC), Doc. 21 (brief for the NARA defendants); *see also* Doc. 21-1 (Declaration of B. John Laster).

The accommodations process regarding potential claims of executive privilege is a process engaged in between the Executive Branch and the Legislative Branch. *See Trump v. Mazars USA LLP*, 140 S. Ct. 2019, 2030-31 (2020). Mr. Scavino represents neither. Nevertheless, we have in good faith considered your concerns and have proposed a course of action that reflects both that consideration and the Select Committee's urgent need for information.

Our hope is that this description of topics allows us to narrow the list of potentially disputed issues and move forward with Mr. Scavino's deposition.

Sincerely,

A handwritten signature in black ink, appearing to read "Bennie G. Thompson". The signature is fluid and cursive, with the first name "Bennie" being more prominent.

Bennie G. Thompson
Chairman

**Exhibit 9 — Letter from Counsel for Mr. Scavino to
Chairman Thompson (Nov. 15, 2021)**

BRAND | WOODWARD
Attorneys at Law

Stan M. Brand

Stanley E. Woodward Jr.

November 15, 2021

VIA ELECTRONIC MAIL

The Honorable Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, District of Columbia 20515

Re: Daniel J. Scavino, Jr.

Dear Chairman Thompson:

We are in receipt of your November 9, 2021, correspondence as well as the email correspondence from your Staff of the same day advising that the Select Committee will extend the deadline within which Mr. Scavino is to provide documents responsive to its October 6, 2021, subpoena until today, November 15, 2021.

Specifically, your November 9, 2021, correspondence advised that: "If Mr. Scavino has responsive documents that he believes are covered by an applicable privilege, please provide a privilege log that specifically identifies each document and each privilege that he believes applies so that the Select Committee can evaluate whether any additional actions are appropriate." You further advised that the Select Committee "subpoenaed all communications including those conducted on Mr. Scavino's personal social media or other accounts and with outside parties whose inclusion in a communication with Mr. Scavino would mean that no executive privilege claim can be applicable to such communications."

As we advised in our correspondence of November 5, 2021, the Select Committee's subpoena necessarily seeks communications between and among President Trump and his close advisors — information protected by the executive privilege. *See Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2024 (2020) ([E]xecutive privilege safeguards the public interest in candid, confidential deliberations within the Executive Branch. . . .) This privilege exists to ensure "the President's access to honest and informed advice and his ability to explore possible policy options *privately* are critical elements in presidential decisionmaking." *In re Sealed Case (Espy)*, 121 F.3d 729, 751 (D.C. Cir. 1997) (emphasis added). Indeed, the communication need not be directed at or by the President, and by extension need not be known to the President, so long as authored or solicited by "presidential advisors in the

BRAND | WOODWARD
Attorneys at Law

November 15, 2021
Page 2

course of preparing advice for the President." *Id.* at 752. For this reason, we submit that the production of a privilege log, as demanded by the Select Committee, would undermine the private, or otherwise confidential nature of advice given by or to the President and his advisors and we are aware of no authority to the contrary. See *Comm. on the Judiciary v. Miers*, 558 F. Supp. 2d 53, 107 ("[I]n the absence of an applicable statute or controlling case law, the Court does not have a ready ground by which to force the Executive to make such a production strictly in response to a congressional subpoena.").

So as to foster further discussion and the continued collaboration with you and your Staff, and to provide "some way to evaluate assertions going forward," *id.*, Mr. Scavino identifies the following categories of records over which an assertion of executive privilege is being made:

- Communications between Mr. Scavino and "those members of an immediate White House adviser's staff who have broad and significant responsibility for investigating and formulating the advice to be given the President on the particular matter to which the communications relate," see *In re Sealed Case (Espy)*, 121 F.3d at 752;
- Communications between Mr. Scavino and non-Government third-parties related to Mr. Scavino's service as a close advisor to President Trump "in the course of preparing advice for the President," *id.* at 751-752; see also *id.* at 752 ("Given the need to provide sufficient elbow room for advisers to obtain information from all knowledgeable sources, the privilege must apply both to communications which these advisors solicited and received from others as well as those they authored themselves." (emphasis added)); and
- Communications between Mr. Scavino and Members of Congress related to Mr. Scavino's service as a close advisor to President Trump "in the course of preparing advice for the President," *id.* at 751-752.

As articulated in our correspondence of November 5, 2021, because President Trump has identified sensitive information that he deems subject to executive privilege, "his doing so gives rise to a legal duty on the part of the aide to invoke the privilege on the President's behalf ..." *Comm. on the Judiciary v. McGahn*, 415 F. Supp. 3d 148, 213 n.34 (D.D.C. 2019).

To that end, we also note that Mr. Scavino served as a close advisor to the President - Deputy Chief of Staff for Communications - regardless of whether the communications in question were sent or received on a personal device or through a personal social media or other account. As we advised in our November 5, 2021, correspondence, while we believe any official communications that were received (or sent) from a personal device or social media account would have separately been provided to the National Archives for

BRAND | WOODWARD

Attorneys at Law

November 15, 2021

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preservation, we will promptly advise the Select Committee should we become aware of any communications not in the possession of the Archivist. As of the date of this correspondence, however, we remain unaware of any records identified by the Archivist as responsive to the Select Committee's subpoena that are sent by or to Mr. Scavino. And we are not otherwise aware of any communications that Mr. Scavino sent or received in his personal capacity that are responsive to the Select Committee's request.

Once again, we expressly reserve Mr. Scavino's right to assert any other applicable privilege or other objection to the Select Committee's subpoena. We note, for example, that the House Counsel has made broad assertions of pertinence as to the specific records at issue. While we are not at this time in a position to fully assess those assertions given that the scope of potentially responsive records remains undefined, we are mindful that Congress's access to information is subject to several limitations and any subpoena it issues is valid only if it is "related to, and in furtherance of, a legitimate task of the Congress." *Watkins v. United States*, 354 U.S. 178, 215 (1957) ("It is obvious that a person compelled to make this choice is entitled to have knowledge of the subject to which the interrogation is deemed pertinent. That knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense.").

Please do not hesitate to contact us with any questions or concerns.

Sincerely,



Stan M. Brand


Stanley E. Woodward Jr.

**Exhibit 10 — Letter from Counsel for Mr. Scavino to
Chairman Thompson (Nov. 18, 2021)**

BRAND | WOODWARD
Attorneys at Law

Stan M. Brand

Stanley E. Woodward Jr.

November 18, 2021

VIA ELECTRONIC MAIL

The Honorable Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, District of Columbia 20515

Re: Daniel J. Scavino, Jr.

Dear Chairman Thompson:

On behalf of our client, Daniel J. Scavino, Jr., we write regarding your October 6, 2021, subpoena for Mr. Scavino to testify at a deposition; your November 9, 2021, correspondence identifying additional "matters of inquiry" for Mr. Scavino's deposition, as well as the email correspondence from your Staff of November 9, 2021, advising that the Select Committee will extend the time for which Mr. Scavino is to appear at a deposition to November 19, 2021. Further, your staff asked that we advise the Select Committee by today, November 18, 2021, *at noon*, whether Mr. Scavino intends to appear for a deposition on November 19.

For the reasons set forth in this correspondence, we submit that Mr. Scavino cannot meaningfully appear for a deposition on Friday, November 19, 2021. As we have previously advised your Staff, the breadth of the "matters of inquiry" identified in your October 6 subpoena as well as your November 9 correspondence make it difficult for us to sufficiently prepare Mr. Scavino to present competent testimony or to ensure that he has adequate representation at such a deposition. Of note, although we invited your Staff to engage with us so as to "hone in on a subset of topics that can be prioritized," we received no response to this invitation.

Instead, the "matters of inquiry" identified within your November 9 correspondence greatly increased the effort necessary to ensure Mr. Scavino's preparedness. Although your October 6 subpoena identified fifteen (15) "items" that are "touching matters of inquiry committed" to the Select Committee, your November 9 correspondence identified an additional eighteen (18) "topics" the Select Committee advised that it "intend[ed] to develop with Mr. Scavino during [his] deposition."

Of note, the "topics" identified by your November 9 correspondence *expand* upon the breadth of the matters of inquiry identified in your October 6 subpoena. Your October 6 subpoena advises that: "The Select Committee has reason to believe that [Mr. Scavino] ha[s] information relevant to understanding important activities that led to and informed the events at the Capitol on

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Attorneys at Law

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January 6, 2021, and relevant to former President Trump's activities and communications in the period leading up to and on January 6." The "topics" identified in your subpoena then generally reference the events of January 6.

Your November 9 correspondence, however, advises that the Select Committee intends to "develop" with Mr. Scavino "[t]he possibility of invoking ... the 25th Amendment based on election-related issues or the events in the days leading up to, and including January 6." This one "topic" alone exceeds the breadth of the "matters of inquiry" identified in your October 6 subpoena and requires careful consideration of a plethora of issues implicated by the proposed exploration of this subject. What's more, your November 9 correspondence goes on to advise that you intend to "develop" with Mr. Scavino his "activities in generating social media content and monitoring social media for President Trump" as well as Mr. Scavino's knowledge of "far-right memes, coded language, and whether or how some domestic violent extremist groups such as the Proud Boys interpreted messages from President Trump and other officials." Here again, the scope of the Select Committee's "matters of inquiry" is unbounded and we cannot efficiently address with Mr. Scavino or the Select Committee an appropriate path toward resolving the inter-branch conflict implicated by this "topic." Similarly, your November 9 correspondence identifies as a "matter of inquiry" "[t]heories or strategies regarding Congress and the Vice President's (as President of the Senate) roles and responsibilities when counting the Electoral College vote," a subject not previously identified within your October 6 subpoena.

In summary, your October 9 subpoena makes no reference to the 25th Amendment, Mr. Scavino's social media "activities" as well as knowledge of "far-right memes [or] coded language," or "theories or strategies" regarding the role of the Vice President in the Electoral College vote, to name just a few examples. Rather, these are "topics" that grossly expand upon the breadth of the "matters of inquiry" identified in your subpoena and exacerbate the difficulty of preparing Mr. Scavino for a deposition on such short notice. Finally, as if this task were not already sufficiently challenging, your November 9 correspondence advises that "the Select Committee reserves the right to question Mr. Scavino about other topics" as well.

We acknowledge the important subject matter of the Select Committee's work and have expressed to your Staff a presumed mutual desire to ensure that witnesses appearing before the Select Committee are adequately prepared to provide competent testimony. The importance of that task is heightened by the inter-branch conflict presented by the Select Committee's solicitation of information subject to Executive Branch privilege – a privilege recognized by our first president when he refused to provide information to the House, explaining that "the boundaries fixed by the Constitution between the different departments should be preserved." Pres. George Washington, Message to the House Regarding Documents Relative to the Jay Treaty (Mar. 30, 1796). This centuries-old privilege serves the purpose, as recently delineated by the Supreme Court, to "safeguard[] the public interest in candid, confidential deliberations within the Executive Branch," and covers "information subject to the greatest protection consistent with the fair administration of justice." *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2024 (2020) (quoting *United States v. Nixon*, 418 U.S. 683, 715 (1974)) (internal quotations omitted). See also *In re Sealed Case (Espy)*, 121 F.3d 729, 751 (D.C. Cir. 1997) (holding that "the President's access to honest and informed advice and his ability to explore possible policy options privately are critical elements in presidential

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decisionmaking" and recognizing an executive privilege applicable to "communications made by presidential advisers in the course of preparing advice of the President").

Moreover, because President Trump has directed Mr. Scavino to "invoke any immunities and privileges [Mr. Scavino] may have from compelled testimony . . . to the fullest extent permitted by law," Mr. Scavino has a "a legal duty on the part of the aide to invoke the privilege on the President's behalf . . ." *Comm. on the Judiciary v. McGahn*, 415 F. Supp. 3d 148, 213 n.34 (D.D.C. 2019). We submit that it would be irresponsible for Mr. Scavino to prematurely resolve President Trump's privilege claim by voluntarily waiving privilege and providing testimony implicating the heart of the legal questions at issue. Rather, such inter-branch disputes are to exclusively be resolved by the courts. *See United States v. Nixon*, 418 U.S. 683, 696 (1974) ("We therefore reaffirm that it is the province and duty of [the Supreme Court] 'to say what the law is' with respect to the claim of [executive privilege].") (quoting *Marbury v. Madison*, 5 U.S. 1 (Cranch) 137, 177 (1803)). We thus continue to monitor the litigation initiated by President Trump and now before the D.C. Circuit *see Trump v. Thompson*, No. 21-5254 (D.C. Cir.), and welcome the opportunity to further discuss the application of the executive privilege to Mr. Scavino's testimony upon receipt of a final order on the merits of this claim. We also acknowledge that the House may, and has, sought judicial resolution of a contested claim of executive privilege, *see Committee on the Judiciary of the House of Reps. v. McGahn*, 965 F.3d 755, 762 (D.C. Cir. 2020) (*en banc*), and that so doing here would not be inappropriate given the potential for current litigation to address only the application of privilege to records.

In addition to the significant issue of the application of executive privilege to Mr. Scavino's potential testimony, we also wish to express concerns about the pertinency of the Committee's stated "matters of inquiry." While we reiterate our acknowledgement of the important subject matter of the Select Committee's work, we also respect the provenance of the U.S. Congress and its role in our co-equal branches of government. We specifically raise this issue prior to resolving the valid application of executive privilege to any potential testimony so as to provide the Select Committee with an opportunity to address our concerns.

Specifically, our review of House Resolution 503 provides no indication that the Select Committee was bestowed with broad or otherwise limitless jurisdiction to investigate. We submit that it does not, because it can not. Our federal courts have plainly held that the jurisdiction of Congressional committees is necessarily limited. *See, e.g., United States v. Kamin*, 136 F. Supp. 791 802 n.4 (D. Mass 1956) (rejecting an interpretation of legislative committee jurisdiction that "would be enormous"). Congress's broad "power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function." *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927). Accordingly, Congress and its duly authorized committees may issue a subpoena where the information sought "is related to, and in furtherance of, a legitimate task of Congress," *Watkins v. United States*, 354 U.S. 178, 187 (1957), and the subpoena serves a "valid legislative purpose." *Quinn v. United States*, 349 U.S. 155, 161 (1955).

The "valid legislative purpose" requirement stems directly from the Constitution. *Kilbourn*, 103 U.S. at 168, 182-89 (1880). "The powers of Congress . . . are dependent solely on the Constitution," and "no express power in that instrument" allows Congress to investigate individuals or to issue boundless records requests. *Id.* The Constitution instead permits Congress to enact certain kinds of legislation, *see, e.g.,* U.S. Const. art. I, § 8, and Congress's power to investigate "is

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Attorneys at Law

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justified as an adjunct to the legislative process, it is subject to several limitations." *Mazars*, 140 S. Ct. at 2031. These limitations include that Congress may not issue a subpoena for the purposes of "law enforcement" because "those powers are assigned under our Constitution to the Executive and the judiciary," *Quinn*, 349 U.S. at 161, or to "try" someone "of any crime or wrongdoing," *McGrain*, 273 U.S. at 179; nor does Congress have any "general power to inquire into private affairs and compel disclosure," *McGrain*, 273 U.S. at 173-74, or the "power to expose for the sake of exposure," *Watkins*, 354 U.S. at 200. Also importantly, Congressional investigations "conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible." *Watkins*, 354 U.S. at 187, *Mazars*, 140 S. Ct. at 2032.

We are especially troubled by the representation of the legislative purpose of the Select Committee as made by Mr. Douglas Letter on behalf of the U.S. House of Representatives. See H'ng T., *Trump v. Thompson*, No. 21-cv-002769 (Nov. 4, 2021). With respect to the Select Committee's legislative purpose, Mr. Letter stated:

[W]e need to figure out what was the atmosphere that brought... about [the events of January 6, including] the many attempts that were made before the election to try to build the nature of mistrust about the election itself, which goes to undermine our democracy, so that if President Trump did lose he would be able to say that his is unfair and to generate lots of anger and rage that led to January 6.

H'ng T. at 40. Contrary to Mr. Letter's assertion, courts have made clear that educating the public is not a valid congressional function. Specifically, the Supreme Court has held that when Congress claims that it is "the duty of Members to tell the public about their activities... the transmittal of such information by individual Members in order to inform the public and other Members is not part of the legislative or the deliberations that make up the legislative process." *Hutchinson v. Proxmire*, 443 U.S. 111, 113 (1979). Similarly, congressional investigators have no authority to "collect minutiae on remote topics, on the hypothesis that the past may reflect upon the present." *Watkins*, 354 U.S. at 187.

Mr. Letter goes on to hypothesize as to legislative ends that could be achieved by the Select Committee:

For example, should we amend the Election Counting Act. Should there be restrictions possibly on ways that federal officials can try to influence state officials to change election results. Should we increase the resources of various committees and bodies who are gathering information. Should we increase resources, for, you know, something that I think has been done many, many decades, rebuilding the confidence of the American people in the election process and our democracy.

H'ng T. at 43. The wide range of *potential* legislative ends cited by Mr. Letter, however, undermine the Select Committee's purported narrowly tailored stated purpose. This one issue is sufficient to defeat any claim of legitimate pertinence. Where, as here, the Select Committee has threatened referrals of criminal contempt, see Thompson & Cheney Statement on Bannon Indictment (Nov. 12, 2021) ("Steve Bannon's indictment should send a clear message to anyone who thinks they can ignore the Select Committee or try to stonewall our investigation: no one is above the law. We will not hesitate to use the tools at our disposal to get the information we need."), the Supreme Court

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Attorneys at Law

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has admonished that the legislative committees are Constitutionally obligated to demonstrate the pertinence of the questions posed to its witnesses with the "explicitness and clarity that the Due Process clause [of the Constitution] requires." *Watkins*, 354 U.S. at 209. As the Court held: "The more vague the committee's charter, the greater becomes the possibility that the committee's specific actions are not in conformity with the will of the parent House of Congress." *Id.* at 201.

Mr. Scavino is thus faced with the precise issue confronted by the Supreme Court in *Watkins*: "It is impossible . . . to ascertain whether any legislative purpose justifies the disclosure sought and, if so, the importance of that information to the Congress in furtherance of its legislative function." *Id.* at 206. In light of the public commentary by Mr. Letter and the Select Committee Members, the legislative purpose of the Select Committee is anything but explicit. Therefore, to facilitate Mr. Scavino's preparation for the provision of competent testimony, we respectfully request the Select Committee furnish an explanation as to how any desired "matter of inquiry" falls within the jurisdiction vested by Congress. Absent further explanation, we submit that the Select Committee has sacrificed its ability to enforce its subpoena. As the Supreme Court observed in *Watkins*: "The reason no court can make this critical judgment [concerning jurisdiction] is that the House of Representatives has never made it." *Id.*

Finally, we would be remiss were we not to address the Select Committee's public threat to hold in contempt those that do not meet its exacting demands. See Katie Benner and Luke Broadwater, Bannon Indicted on Contempt Charges Over House's Capitol Riot Inquiry, *The New York Times* (Nov. 12, 2021) (quoting Rep. Jamie Raskin: "It's great to have a Department of Justice that's back in business . . . I hope other friends of Donald Trump get the message . . ."). Although Mr. Scavino desires to continue to foster a productive dialogue with your Staff in an effort to identify valid "matters of inquiry" that would produce competent testimony, we feel compelled to highlight significant procedural deficiencies in the Select Committee's threats to refer Mr. Scavino for contempt for asserting legitimate legal challenges to your October 6 subpoena.

First, to our knowledge, Mr. Scavino has not been properly served with the subpoena at issue. Contrary to House Rules, Mr. Scavino was neither handed a copy of the subpoena nor did he waive service of the subpoena. Rather, the subpoena was delivered to a member of President Trump's staff. Indeed, although we are aware of media claims that Mr. Scavino was somehow "evading" service, see Ryan Nobles, Zachary Cohen, and Annie Grayer, House Committee Investigating January 6 Can't Find Trump Aide to Serve Subpoena (Oct. 6, 2021), prior to the delivery of the subpoena to Mar-a-Lago on or about October 8, 2021, we are aware of no prior attempts to serve Mr. Scavino with the subpoena (and it bears noting that all visitors to Mar-a-Lago are identified to the U.S. Secret Service).

Second, we do not believe the Select Committee as constituted can validly conduct a deposition. House regulations for the use of deposition authority provide that any committee deposition is to be conducted "in rounds" with "equal time [provided] to the majority and the minority." These regulations further provide that, "[a] deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition." 2 Cong. Rec. H41 (daily ed. Jan. 4, 2021) (117th Cong. Reg. for use of Deposition Authority). While we have no desire to enter the political theatre that has

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Attorneys at Law

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engulfed the important subject matter of the Select Committee's work, we nevertheless must acknowledge the unprecedented refusal of the Speaker of the House to sit the Minority Leader's recommendation for Ranking Member of the Select Committee. We submit that the House regulations do not contemplated this unprecedented decision and absent a duly appointed Ranking Member to the Select Committee it is literally impossible for Mr. Scavino to be questioned by a "member or committee counsel designated by the ... ranking minority member."

Because of these procedural deficiencies, the Select Committee has sacrificed its ability to enforce its subpoena. As the Supreme Court has held: "[T]he competence of the tribunal must be proved as an independent element of the crime. If the competence is not shown, the crime of perjury is not established regardless of whether the witness relied on the absence of a quorum." *United States v. Reinecke*, 524 F.2d 435, (D.C. Cir. 1975) (citing *Christoffel v. United States*, 338 U.S. 84, 90 (1949)). See *Christoffel*, 338 U.S. at 90 ("A tribunal that is not competent is no tribunal, and it is unthinkable that such a body can be the instrument of criminal conviction."). The principal that a Congressional committee must adhere to applicable Rules in pursuit of the enforcement of its subpoenas has similarly resulted in convictions for contempt of congress being overturned. See *Yellin v. United States*, 734 U.S. 109, (reversing conviction for contempt of congress where the Congressional committee failed to adhere to its own rules: "The Committee prepared the groundwork for prosecution in Yellin's case meticulously. It is not too exacting to require that the Committee be equally meticulous in obeying its own rules.").

We further submit that the Select Committee is not without recourse. The House took the relatively unprecedent step of bestowing upon the Select Committee the authority of the Chair "to compel by subpoena the furnishing of information by interrogatory." H. Res. 503 § 5(c)(5). As we have stated repeatedly, we acknowledge the important subject matter of the Select Committee's work and welcome the opportunity to identify "some way to evaluate assertions going forward." *Comm. On the Judiciary v. Miers*, 558 F. Supp. 2d 53, 107 (D.D.C. 2008). Given the complex and unprecedented nature of privilege and pertinency issues the Select Committee's inquiry implicates, the submission of written questions may enable Mr. Scavino, with the assistance of counsel, to parse this critically important vestige of the doctrine of Separation of Powers.

Please do not hesitate to contact us should you wish to discuss.

Sincerely,



Stan M. Brand


Stanley E. Woodward Jr.

Exhibit 11 — Subpoena to Daniel Scavino, Jr. (Nov. 23, 2021)

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE
CONGRESS OF THE UNITED STATES OF AMERICATo Mr. Daniel Scavino, Jr.You are hereby commanded to be and appear before the
Select Committee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

- ☒
- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: [REDACTED]Date: November 29, 2021Time: 12:00 p.m.

- ☒
- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: [REDACTED]Date: December 1, 2021Time: 10:00 a.m.

- ☐
- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

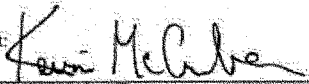
To any authorized staff member or the United States Marshals Service

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at
the city of Washington, D.C. this 23 day of November, 2021.

Attest:

Clerk:



Chairman or Authorized Member

PROOF OF SERVICE

Subpoena for
Mr. Daniel Scavino, Jr.
Address via email to: [REDACTED]
before the Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives 117th Congress

Served by (print name) [REDACTED]
Title [REDACTED]
Manner of service via email to Mr. Scavino's counsel at [REDACTED]
Date
Signature of Server
Address Select Committee to Investigate January 6th, [REDACTED]
Washington, DC 20515

HENRY D. THOMPSON, MISSOURI
CHAIRMAN

JOE L. STANLEY, CALIFORNIA
SCOTT D. JORDAN, CALIFORNIA
TOM RICHARDSON, CALIFORNIA
STEPHEN R. MURPHY, FLORIDA
JAMES R. HARRIS, MARYLAND
CLAUDE E. LUNA, TEXAS
PAT CARMICHAEL, INDIANA
SCOTT FRANKS, MISSOURI



U.S. House of Representatives
Washington, DC 20515

phone: 202/225-4000
TDD: 202/225-4000

One Hundred Nineteenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

November 23, 2021

Mr. Daniel J. Scavino, Jr.
c/o Mr. Stanley E. Woodward
Via e-mail to [REDACTED]

Dear Mr. Scavino:

Pursuant to the authorities set forth in House Resolution 503 and the rules of the House of Representatives, the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Select Committee") hereby transmits a subpoena that compels you to produce the documents set forth in the accompanying schedule by November 29, 2021, and to appear for a deposition on December 1, 2021.

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021, and the messages, videos, and internet communications that were disseminated to the public concerning the election, the transition in administrations, and the constitutional and statutory processes that effect that transition.

The Select Committee has reason to believe that you have information relevant to understanding important activities that led to and informed the events at the Capitol on January 6, 2021, and relevant to former President Trump's activities and communications in the period leading up to and on January 6. For example, the Select Committee has reason to believe that you have knowledge regarding the communications strategy of the former President and his supporters leading up to the events on January 6. As the Deputy Chief of Staff for Communications, reporting indicates that you were with the former President on January 5, when he and others were considering how to convince Members of Congress not to certify the election for Joe Biden.¹ Your public Twitter account makes clear that you were tweeting messages from the White House on January 6, 2021.² And prior to January 6, 2021, you promoted, through your Twitter messaging, the January 6 March for Trump, which encouraged people to "be a part of history."³ Your long service with the former President—spanning more than a decade and which included service as his digital strategy director, overseeing his social media presence, including on Twitter—

¹ Bob Woodward & Robert Costa, *Peril at 231* (2021).

² E.g., Dan Scavino (@DanScavino), Twitter (Jan. 6, 2021, 11:12 AM, from The White House), <https://twitter.com/DanScavino/status/1346584866964598785?s=20>; Dan Scavino [American flag][eagle] (@DanScavino), Twitter (Jan. 6, 2021, 10:56 AM, from The White House), <https://twitter.com/danScavino/status/1346846692905168383?lang=en>; Dan Scavino (@DanScavino), Twitter (Jan. 2, 2021, 9:04 PM), <https://twitter.com/DanScavino/status/1345551501440245767?s=20>.

Mr. Daniel J. Scavino, Jr.

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suggest that you have knowledge concerning communications involving the 2020 presidential election and rallies and activities supporting and including the former President on January 6. It also appears that you were with or in the vicinity of former President Trump on January 6 and are a witness regarding his activities that day. You may also have materials relevant to his videotaping and tweeting messages on January 6. Accordingly, the Select Committee seeks both documents and your deposition testimony regarding these and other matters that are within the scope of the Select Committee's inquiry.

A copy of the rules governing Select Committee depositions, and a copy of document production definitions and instructions are attached. Please contact staff for the Select Committee at [REDACTED] to arrange for the production of documents.

Sincerely,



Bennie G. Thompson
Chairman

Mr. Daniel J. Scavino, Jr.

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SCHEDULE

In accordance with the attached definitions and instructions, you, Mr. Daniel Scavino, Jr., are hereby required to produce all documents and communications in your possession, custody, or control control—including any such documents or communications stored or located on personal devices (e.g., personal computers, cellular phones, tablets, etc.), in personal or campaign accounts, and/or on personal or campaign applications (e.g., email accounts, contact lists, calendar entries, etc.)—referring or relating to the following items. If no date range is specified below, the applicable dates are for the time period April 1, 2020–present.

1. The January 6, 2021, rally on the mall and Capitol grounds in Washington, D.C., in support of President Donald J. Trump and opposition to certification of the results of the 2020 presidential election, including any permitting, planning, objectives, financing, and conduct, as well as any communications to or from any person or group involved in organizing or planning for the January 6, 2021, rally.
2. Then-President Trump's participation in the January 6, 2021, rally, including any communications with President Trump or any paid or unpaid attorney, advisor, assistant, or aide to President Trump relating to the nature, context, or content of President Trump's intended or actual remarks to those attending the January 6, 2021, rally.
3. Communications referring or relating to the nature, planning, conduct, message, purpose, objective, promotion of, or participation in the January 6, 2021, rally that were between or among any person who, during the administration of former President Trump, worked in the White House complex, including any employee or detailee.
4. Your communications with President Donald J. Trump concerning delaying or preventing the certification of the election of Joe Biden as President or relating to the rallies of January 5 or January 6, 2021.
5. Plans to communicate, or actual communications, relating to alleged fraud or other election irregularities in connection with the 2020 presidential election.
6. Communications with any non-governmental entity, organization, or individual relating to the January 6, 2021, rally, including any statements or other materials you or members of your office provided to any such entity, organization, or individual in connection with the planning, objectives, organization, message of, sponsorship and participation in the January 6, 2021, rally.
7. All communications regarding President Trump's meetings and communications that day.

Mr. Daniel J. Scavino, Jr.

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8. Communications with any individual or organization, within or outside the government, referring or related to the activities and events at the January 6, 2021, rally, including messaging or characterization of those activities and events following the January 6, 2021, rally.
9. Any communications with, including any materials or statements you provided directly or indirectly to, any Member of Congress or the staff of any Member of Congress referring or related to the planning, objectives, organization, message, sponsorship, or participation in the January 6, 2021, rally.
10. Anyone with whom you communicated by any means regarding any aspect of the planning, objectives, conduct, message of, promotion of, or participation in the January 6, 2021, rally.
11. From November 3, 2020, through January 6, 2021, any efforts, plans, or proposals to contest the 2020 Presidential election results or delay, influence, or impede the electoral count, including all tweets or posts on Parler urging attendance at the January 6 rally.
12. The role of the Vice President as the Presiding Officer in the certification of the votes of the electoral college.
13. All briefings or information from the United States Secret Service regarding participants at the January 6 rally on the Ellipse or the march to Capitol Hill, and all information relating to any plans or statements by President Trump that he would attend or participate in the events on Capitol Hill on January 6.
14. All communications with the Trump family on January 6, 2021.
15. All materials relating to former President Trump's videotaped messages on January 6 or regarding January 6, including all unused takes or recordings made that day.

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this request, produce all responsive documents, regardless of classification level, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Committee").
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. With specific reference to classified material, you will coordinate with the Committee's Security Officer to arrange for the appropriate transfer of such information to the Committee. This includes, but is not necessarily limited to: a) identifying the classification level of the responsive document(s); and b) coordinating for the appropriate transfer of any classified responsive document(s).
5. Electronic document productions should be prepared according to the following standards:
 - a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - b. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME,
SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE,
ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE,
FILENAME, FILREXT, FILESIZE, DATECREATED, TIMECREATED,
DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER,
NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
10. The pendency of or potential for litigation shall not be a basis to withhold any information.
11. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
12. Pursuant to 5 U.S.C. § 552a(h)(9), the Privacy Act shall not be a basis for withholding information.
13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.
14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.
15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).
16. If a date or other descriptive detail set forth in this request referring to a document

is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
18. All documents shall be Bates-stamped sequentially and produced sequentially.
19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term "including" shall be construed broadly to mean "including, but not limited to."
5. The term "Company" means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; (b) the individual's business or personal address and phone number; and (c) any and all known aliases.
7. The term "related to" or "referring or relating to," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term "employee" means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, assignee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term "individual" means all natural persons and all persons or entities acting on their behalf.

January 4, 2021

CONGRESSIONAL RECORD—HOUSE

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health, safety, and well-being of others present in the Chamber and surrounding areas. Members and staff will not be permitted to enter the Hall of the House without wearing a mask. Masks will be available at the entry points for any Member who forgets to bring one. The Chair views the failure to wear a mask as a serious breach of decorum. The Sergeant-at-Arms is directed to enforce this policy. Based upon the health and safety guidance from the attending physician and the Sergeant-at-Arms, the Chair would further advise that all Members should leave the Chamber promptly after casting their votes. Furthermore, Members should avoid congregating in the rooms leading to the Chamber, including the Speaker's lobby. The Chair will continue the practice of providing small groups of Members with a minimum of 5 minutes within which to cast their votes. Members are encouraged to vote with their previously assigned group. After voting, Members must clear the Chamber to allow the next group a safe and sufficient opportunity to vote. It is essential for the health and safety of Members, staff, and the U.S. Capitol Police to consistently practice social distancing and to ensure that a safe capacity be maintained in the Chamber at all times. To that end, the Chair appreciates the cooperation of Members and staff in preserving order and decorum in the Chamber and in displaying respect and safety for one another by wearing a mask and practicing social distancing. All announced policies, including those addressing decorum in debate and the conduct of votes by electronic device, shall be carried out in harmony with this policy during the pendency of a covered period.

117TH CONGRESS REGULATIONS FOR USE OF DEPOSITION AUTHORITY

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(b) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding the conduct of depositions by committee and select committee counsel for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,
Chairman, Committee on Rules.
REGULATIONS FOR THE USE OF DEPOSITION
AUTHORITY

1. Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths. Depositions may continue from day to day.

2. Consultation with the ranking minority member shall include three days' notice before any deposition is taken. All members of the committee shall also receive three days written notice that a deposition will be taken, except in exigent circumstances. For purposes of these procedures, a day shall not include Saturdays, Sundays, or legal holidays except when the House is in session on such a day.

3. Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.

4. The chair of the committee noticing the deposition may designate that deposition as part of a joint investigation between committees, and in that case, provide notice to the members of the committees. If such a designation is made, the chair and ranking minority member of the additional committee(s) may designate committee staff to attend pursuant to regulation 3. Members and designated staff of the committees may attend and ask questions as set forth below.

5. A deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition. When depositions are conducted by committee counsel, there shall be no more than two committee counsel permitted to question a witness per round. One of the committee counsel shall be designated by the chair and the other by the ranking minority member per round.

6. Deposition questions shall be propounded in rounds. The length of each round shall not exceed 60 minutes per side, and shall provide equal time to the majority and the minority. In each round, the member(s) or committee counsel designated by the chair shall ask questions first, and the member(s) or committee counsel designated by the ranking minority member shall ask questions second.

7. Objections must be stated concisely and in a non-argumentative and non-suggestive manner. A witness's counsel may not instruct a witness to refuse to answer a question, except to preserve a privilege. In the event of professional, ethical, or other misconduct by the witness's counsel during the deposition, the Committee may take any appropriate disciplinary action. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair overrules any such objection and thereby orders a witness to answer any question to which an objection was lodged, the witness shall be ordered to answer. If a member of the committee chooses to appeal the ruling of the chair, such appeal must be made within three days, in writing, and shall be preserved for committee consideration. The Committee's ruling on appeal shall be filed with the clerk of the Committee and shall be provided to the members and witness no less than three days before the reconvened deposition. A deponent who refuses to answer a question after being directed to answer by the chair may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed by the committee on appeal.

8. The Committee chair shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the chair. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

9. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the committee for the committee's use. The chair and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

10. The chair and ranking minority member shall consult regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript, or recording, or a portion thereof, the matter shall be promptly referred to the committee for resolution.

11. A witness shall not be required to testify unless the witness has been provided with a copy of section 3(b) of H. Res. 8, 117th Congress, and these regulations.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(s) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding remote committee proceedings for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,
Chairman,
Committee on Rules.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8

A. PRESENCE AND VOTING

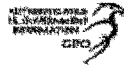
1. Members participating remotely in a committee proceeding must be visible on the software platform's video function to be considered in attendance and to participate unless connectivity issues or other technical problems render the member unable to fully participate on camera (except as provided in regulations A.2 and A.3).

2. The exception in regulation A.1 for connectivity issues or other technical problems does not apply if a point of order has been made that a quorum is not present. Members participating remotely must be visible on the software platform's video function in order to be counted for the purpose of establishing a quorum.

3. The exception in regulation A.1 for connectivity issues or other technical problems does not apply during a vote. Members participating remotely must be visible on the software platform's video function in order to vote.

4. Members participating remotely off-camera due to connectivity issues or other technical problems pursuant to regulation A.1 must inform committee majority and minority staff either directly or through staff.

5. The chair shall make a good faith effort to provide every member experiencing connectivity issues an opportunity to participate fully in the proceedings, subject to regulations A.2 and A.3.

**H. Res. 8*****In the House of Representatives, U. S.,****January 4, 2021.**Resolved,***SECTION 1. ADOPTION OF THE RULES OF THE ONE HUNDRED
SIXTEENTH CONGRESS.**

The Rules of the House of Representatives of the One Hundred Sixteenth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Sixteenth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Seventeenth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in this resolution.

SEC. 2. CHANGES TO THE STANDING RULES.

(a) **CONFORMING CHANGE.**—In clause 2(i) of rule II—

(1) strike the designation of subparagraph (1); and

(2) strike subparagraph (2).

(b) **OFFICE OF DIVERSITY AND INCLUSION AND OFFICE OF THE WHISTLEBLOWER OMBUDS.**—

SEC. 3. SEPARATE ORDERS.

(a) **MEMBER DAY HEARING REQUIREMENT.**—During the first session of the One Hundred Seventeenth Congress, each standing committee (other than the Committee on Ethics) or each subcommittee thereof (other than a subcommittee on oversight) shall hold a hearing at which it receives testimony from Members, Delegates, and the Resident Commissioner on proposed legislation within its jurisdiction, except that the Committee on Rules may hold such hearing during the second session of the One Hundred Seventeenth Congress.

(b) **DEPOSITION AUTHORITY.**—

(1) During the One Hundred Seventeenth Congress, the chair of a standing committee (other than the Committee on Rules), and the chair of the Permanent Select Committee on Intelligence, upon consultation with the ranking minority member of such committee, may order the taking of depositions, including pursuant to subpoena, by a member or counsel of such committee.

(2) Depositions taken under the authority prescribed in this subsection shall be subject to regulations issued by the chair of the Committee on Rules and printed in the Congressional Record.

(c) **WAR POWERS RESOLUTION.**—During the One Hundred Seventeenth Congress, a motion to discharge a measure introduced pursuant to section 6 or section 7 of the War

**Exhibit 12 — Letter from Counsel for Mr. Scavino to
Chairman Thompson (Nov. 26, 2021)**

BRAND | WOODWARD
Attorneys at Law

Stan M. Brand
[REDACTED]

Stanley E. Woodward Jr.
[REDACTED]

November 26, 2021

VIA ELECTRONIC MAIL

The Honorable Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, District of Columbia 20515

Re: Daniel J. Scavino, Jr.

Dear Chairman Thompson:

On behalf of our client, Daniel J. Scavino, Jr., we write in response to your November 23, 2021 correspondence. We regret that in your apparent haste to acknowledge the Select Committee's failure to properly serve Mr. Scavino with your October 6, 2021, subpoena, that you appear to have inadvertently transposed dates in your correspondence. For example, although you request that we "confirm receipt" of your correspondence "no later than 12:00pm Monday, November 29," you ask that we "identify the specific topics Mr. Scavino agrees are outside the scope of his asserted privileges . . . no later than Friday, November 26, 2021." It is unclear why it would be necessary for us to provide you with any information today, Friday, when we are not asked to confirm receipt of your correspondence until Monday.¹

While no doubt an inadvertent oversight, this discrepancy does cast doubt on the Select Committee's careful consideration of the numerous legal and procedural issues raised by our prior correspondence. Where, as here, the threat of criminal contempt is invoked, the Supreme Court has made clear that Mr. Scavino is entitled to the "the specific provisions of the Constitution relating to the prosecution of offenses and those implied restrictions under which courts function." *Watkins v. United States*, 354 U.S. 178, 216 (1957) (Frankfurter, J., concurring).

With respect to Mr. Scavino's deposition, you demand that we "identify the specific topics Mr. Scavino agrees are outside the scope of his asserted privileges, and if you believe a privilege applies, articulate which privilege and how it is implicated for each item no later than Friday, November 26, 2021." As articulated in our correspondence of November 18, 2021, the Select Committee has now identified thirty-three (33) "matters of inquiry" for which it purportedly seeks

¹ Today, the Friday after Thanksgiving, is recognized as a paid holiday for over 43 percent (43%) of employees who receive any paid holidays. See U.S. Bureau of Labor Statistics, Employee Benefits Survey, Holiday Profile – Day After Thanksgiving, <https://www.bls.gov/ncs/ebs/day-after-thanksgiving-2018.htm> (last visited Nov. 26, 2021).

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Attorneys at Law

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Page 2

testimony from Mr. Scavino. Indeed, your correspondence of November 23, 2021, acknowledges that despite our request to “hone in on a subset of topics that can be prioritized,” no effort to do so has been made on your part. Rather, you submit that Mr. Scavino bears the responsibility of “identify[ing] the specific topics Mr. Scavino agrees are outside the scope of his asserted privileges.” Tellingly, you cite no authority – law, regulation, rule, historical precedent, or otherwise – for the proposition that the subject of a deposition subpoena bears the obligation of identifying topics of information about which that deponent may be questioned. You do not, we submit, because you cannot. Never in the history of our Nation’s legal system has the compelled subject of testimonial inquiry been required to volunteer the testimony believed to be of relevance to that witnesses’ inquisitor. On fact, the precepts of Due Process require otherwise: As the Supreme Court held in *Watkins*, “It is obvious that a person compelled to [testify] is entitled to have knowledge of the subject to which the interrogation is deemed pertinent [and] [t]hat knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense.” 354 U.S. at 208-09. Your approach – to have Mr. Scavino volunteer the topics of testimony for his own deposition – would vitiate the clear due process protections delineated by the *Watkins* Court.

To that end, you seem to divorce the requirement that the Select Committee identify the “pertinency of [each] question[] propounded to the witness,” *id.* at 208, from a determination of what privilege may apply. Without the requisite showing of pertinency, however, Mr. Scavino cannot be in a position to determine whether an applicable privilege requires invocation. In our correspondence of November 18, 2021, for example, we highlighted several “matters of inquiry” for which a claim of pertinency seemed untenable. Rather than address our concerns, you mischaracterize our position. Mr. Scavino does not, “tak[e] the position that he may refuse to comply with the Select Committee subpoena simply because he has a different view of what information should be important to Congress.” To the contrary, he asserts his right to request that the Select Committee clearly articulate the pertinence of the “matters of inquiry” it seeks to “develop” with him. See *Watkins*, 354 U.S. at 208. Only once this prerequisite has been established can Mr. Scavino – whom as you concede “was a government official conducting public business” at all times relevant to your “matters of inquiry” – assess whether to make an assertion of executive privilege over any information he may possess. See *Comm. on the Judiciary v. McGahn*, 415 F. Supp. 3d 148, 213 n.34 (D.D.C. 2019) (acknowledging the “legal duty on the part of the aide to invoke the privilege on the President’s behalf”).

The assertion in your correspondence of November 23, 2021, that Mr. Scavino “is in no position to assert privilege on behalf of the executive branch” is similarly without merit. We are, of course, aware of President Trump’s litigation with the National Archives concerning a former President’s assertion of privilege in the face of an incumbent President’s waiver of the same. See *Trump v. Thompson*, No. 21-5254 (D.C. Cir.). Indeed, the fact that this litigation remains pending should be proof enough that the issue remains unsettled. We reiterate that it would be irresponsible for Mr. Scavino to prematurely resolve President Trump’s privilege claim by voluntarily waiving privilege and providing testimony or producing documents implicating the heart of the legal questions at issue. Rather, such inter-branch disputes are to exclusively be resolved by the courts and we patiently await the outcome of that judicial process. See *United States v. Nixon*, 418 U.S. 683, 696 (1974) (“We therefore reaffirm that it is the province and duty of

BRAND J. WOODWARD
Attorneys at Law

November 26, 2021
Page 3

[the Supreme Court] to say what the law is' with respect to the claim of [executive privilege]."
(quoting *Marbury v. Madison*, 5 U.S. 1 (Cranch) 137, 177 (1803)).

In short, we vehemently disagree with your characterization of Mr. Scavino's compliance with your subpoena. To describe our efforts as "continued, willful non-compliance" or "Mr. Scavino's steadfast refusal to cooperate" strain credulity. In your correspondence of November 23, 2021, you write: "Mr. Scavino is apparently taking the position that he may refuse to comply with the Select Committee subpoena simply because he has a different view of what information should be important to Congress." We encourage your careful consideration of what representations were actually made in our prior correspondence. Why has the Select Committee not addressed our request for an articulation of the pertinence of each of its delineated "matters of inquiry." You also write: "Mr. Scavino's continued refusal to provide a privilege log, coupled with your extensive and blanket assertions of privilege, are fundamentally at odds with your stated desire to 'foster further discussion and the continued collaboration' with the Select Committee." Again, we encourage your careful consideration of our prior correspondence. No "blanket assertions of privilege" have been lodged. Rather, we have specifically articulated categories of privilege we believe applicable to the communications potentially relevant to the Select Committee's "matters of inquiry." Absent from your correspondence is any acknowledgement of that assertion or any attempt to negotiate with Mr. Scavino concerning his testimony. The Select Committee's posturing is perhaps best evidenced by your position that, "there is simply no substitute for live, in-person testimony" in rejecting our request that the Select Committee propound written interrogatories so that together we might carefully parse important questions of both pertinence and privilege. Would not the receipt of *any* information be a compelling substitute for the immediate desire of live, in-person testimony?

We provide this response, per your demand, within 72 hours (including the Thanksgiving Holiday) of receipt of your correspondence of November 23, 2021. We do so and explicitly reiterate our acknowledgement of the important subject matter of the Select Committee's work. We would be remiss, however, were we not to observe the Select Committee's apparent failure to address the important procedural defects we identified in the Select Committee's process (other than correcting the Select Committee's failure to properly serve Mr. Scavino).

First, your demand that we expeditiously respond to the Select Committee's correspondence over the Thanksgiving Holiday does nothing to further our stated desire of ensuring that Mr. Scavino, and his counsel, be thoroughly prepared to address the "matters of inquiry" the Select Committee intends to "develop" with him. This challenge remains exacerbated by the Select Committee advising that it "reserves the right to question Mr. Scavino about other topics" in addition to those "matters of inquiry" delineated in its subpoena and subsequent correspondence. In that you acknowledge that Mr. Scavino is entitled to the representation of counsel in his deposition, you must further acknowledge that for this representation to be meaningful, both he and his counsel must be adequately prepared. See *Yellin v. United States*, 374 U.S. 109, 123-24 (1963) (reversing conviction for contempt of congress where the Congressional committee failed to adhere to its own rules: "The Committee prepared the groundwork for prosecution in Yellin's case meticulously. It is not too exacting to require that the Committee be equally meticulous in obeying its own rules.").

BRAND | WOODWARD

Attorneys at Law

November 26, 2021

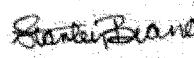
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Second, you mischaracterize our concern over the Select Committee's stated approach to the taking of Mr. Scavino's deposition. Our position is not that any applicable law, resolution, rule or other authority requires "the minority leader's preferred Members" to be appointed to the Select Committee. Rather, our inquiry focused on whether House Rules contemplate the procedure for conducting a deposition *when the minority leader's recommended Members are not appointed to the Select Committee*. Here, no Member recommended by the minority leader has been appointed to the Select Committee. In turn, no Ranking Member has been designated by the minority leader (or as far as we are aware, by anyone). Therefore, because the Select Committee lacks a Ranking Member, no "committee counsel" can be "designated" by the Ranking Member for the purpose of the Select Committee's taking a deposition, as required by the Regulations for the Use of Deposition Authority promulgated by the Chairman on Rules pursuant to section 3(b) of House Resolution 8. As the Supreme Court has held: "the competence of the tribunal must be proved as an independent element of the crime [and] [i]f the competence is not shown, the crime of perjury is not established regardless of whether the witness relied on the absence of a quorum." *United States v. Retnecke*, 524 F.2d 435, (D.C. Cir. 1975) (citing *Chrisoffel v. United States*, 338 U.S. 84, 90 (1949)), and the "chain of authority from the House to the questioning body is an essential element of the offense." *Gofack v. United States*, 384 U.S. 702, 716 (1966).

Because of these procedural deficiencies, the Select Committee has sacrificed its ability to enforce its subpoena — the principal that a Congressional committee must adhere to applicable Rules in pursuit of the enforcement of its subpoenas has similarly resulted in convictions for contempt of congress being overturned. See *Yellin*, 374 U.S. at 123-24.

Please do not hesitate to contact us should you wish to discuss.

Sincerely,



Stan M. Brand


Stanley E. Woodward Jr.

**Exhibit 13 — Deposition that Memorialized Daniel Scavino,
Jr.'s Failure to Appear before the Select Committee (Dec.
1, 2021)**

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SELECT COMMITTEE TO INVESTIGATE THE

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JANUARY 6TH ATTACK ON THE U.S. CAPITOL,

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U.S. HOUSE OF REPRESENTATIVES,

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WASHINGTON, D.C.

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DEPOSITION OF: DANIEL J. SCAVINO, JR. (NO-SHOW)

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Wednesday, December 1, 2021

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Washington, D.C.

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The deposition in the above matter was held in

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, commencing at 9:59 a.m.

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2 **Appearances:**

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6 **For the SELECT COMMITTEE TO INVESTIGATE**

7 **THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:**

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9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

1

2 [REDACTED] We are on the record.

3 Today is Wednesday, December 1st, 2021. The time is 10 a.m. We are

4 convened in the [REDACTED] for the deposition of

5 Daniel J. Scavino, Jr., to be conducted by the House Select Committee to Investigate the

6 January 6th Attack on the United States Capitol.

7 The person transcribing this proceeding is the House stenographer and notary

8 public authorized to administer oaths.

9 My name is [REDACTED]. I am a [REDACTED] to the

10 select committee and the select committee's designated staff counsel for this proceeding.

11 I'm accompanied by [REDACTED], [REDACTED], and [REDACTED].

12 [REDACTED]

13 For the record, it is now 10:01, and Mr. Scavino is not present.

14 On October 6th, 2021, Chairman Bennie Thompson issued a subpoena to

15 Mr. Scavino both to produce documents by October 21st, 2021, and to testify at a

16 deposition on October 28th, 2021, at 10 a.m.

17 The subpoena is in connection with the select committee's investigation into the

18 facts, circumstances, and causes of the January 6th attack and issues related to the

19 peaceful transition of power in order to identify and evaluate lessons learned and to

20 recommend to the House and its relevant committees corrective laws, policies,

21 procedures, rules, or regulations.

22 This inquiry includes examination of how various individuals, to include

23 Mr. Scavino, and entities coordinated their activities leading up to the events of January

24 6th, 2021, and the messages, videos, and internet communications that were

25 disseminated to the public concerning the election, the transition of administrations, and

1 the constitutional and statutory processes that affect that transition.

2 After Mr. Scavino retained counsel, Mr. Stanley Woodward and Mr. Stan Brand,
3 the select committee agreed several times to postpone the subpoena deadline to enable
4 his counsel to overcome varied logistical challenges.

5 Ultimately, the select committee set new deadlines to produce documents and
6 appear for testimony. Mr. Scavino was required to produce documents by November
7 29th, 2021, and appear for testimony on December 1st, 2021.

8 By letters dated between November 5th and November 26th, the select
9 committee engaged with counsel for Mr. Scavino. In the letters, the select committee
10 addressed Mr. Scavino's claims of, among other things, extensive and blanket assertions
11 of privilege.

12 In the letter dated November 9th, the select committee also instructed
13 Mr. Scavino to assert privilege claims in a privilege log based on the topics provided by
14 the select committee no later than November 11th, 2021.

15 On November 18th, 2021, Mr. Scavino, through counsel, informed the select
16 committee that he would not appear at the deposition then scheduled for November
17 19th. Specifically, counsel said that, quote, "Mr. Scavino cannot meaningfully appear for
18 a deposition on Friday, November 19th, 2021," end quote.

19 Counsel also, for the first time, objected to the method of the select committee's
20 service of Mr. Scavino's October 6th, 2021, subpoena despite having all relevant
21 documentation, including the subpoena itself, in counsel's possession.

22 On November 23rd, 2021, Mr. Woodward, counsel for Mr. Scavino, agreed to
23 accept service of a subpoena on Mr. Scavino's behalf, and the new subpoena was issued
24 to Mr. Woodward that same day.

25 In a letter also dated November 23rd, 2021, the select committee addressed

1 Mr. Scavino's other concerns and allowed a final continuance of the deposition date.

2 The select committee also reiterated the importance of a privilege log based on
3 the topics provided by the select committee in the letter dated November 9th, 2021, and
4 set a November 26th, 2021, deadline for this log.

5 The select committee further informed Mr. Scavino that, quote, "The select
6 committee will view Mr. Scavino's failure to appear for the deposition and respond to the
7 subpoena as willful noncompliance. His continued failure to produce documents
8 pursuant to the subpoena also constitutes willful noncompliance.

9 "Mr. Scavino has a short time in which to cure his noncompliance. The
10 continued willful noncompliance with a subpoena would force the select committee to
11 consider invoking the contempt of Congress procedures in 2 USC, Sections 192 and 194,
12 which could result in a referral from the House to the Department of Justice for criminal
13 charges, as well as the possibility of having a civil action to enforce a subpoena brought
14 against Mr. Scavino in his personal capacity," end quote.

15 Although the select committee continued to engage with counsel, Mr. Scavino,
16 through counsel, informed the select committee that he would not appear today.

17 Specifically, Mr. Woodward informed counsel for the select committee on
18 November 30th that, quote, "I believe our position remains fairly stated in our
19 correspondence," end quote.

20 Mr. Woodward clarified to counsel for the select committee over the phone on
21 November 30th, 2021, that this meant that Mr. Scavino would not be appearing on the
22 record today, either to answer questions or to assert specific claims of privilege.
23 Counsel for the select committee then confirmed this understanding over email
24 correspondence.

25 To date, Mr. Scavino has not produced any documents or a privilege log, and

1 Mr. Scavino has not appeared today to answer questions or assert privilege objections.

2 I will mark as exhibit 1 and enter into the record the October 6th select committee
3 subpoena to Mr. Scavino included with materials that accompanied the subpoena,
4 namely, a letter from the chairman, a document schedule with accompanying production
5 instructions, and a copy of the deposition rules.

6 [Scavino Exhibit No. 1

7 Was marked for identification.]

8 [REDACTED] I will mark as exhibit 2 and enter into the record the receipt of
9 service for the October 6th subpoena, which was personally served to Susan Wiles, chief
10 of staff to the former President Trump, recorded on the proof of service as chief of staff
11 for the 45th Office, on October 8th, 2021.

12 [Scavino Exhibit No. 2

13 Was marked for identification.]

14 [REDACTED] Ms. Wiles reportedly represented to the U.S. marshal who served
15 her that she was authorized to accept service on Mr. Scavino's behalf.

16 I will mark as exhibit 3 and enter into the record the November 23rd select
17 committee subpoena to Mr. Scavino included with materials that accompanied the
18 subpoena, namely, a letter from the chairman, a document schedule with accompanying
19 production instructions, and a copy of deposition rules.

20 [Scavino Exhibit No. 3

21 Was marked for identification.]

22 [REDACTED] I personally served the subpoena to Mr. Scavino's counsel, Stanley
23 Woodward, over email pursuant to agreement with counsel.

24 I will mark as exhibit 4 and enter into the record a series of letters and emails
25 exchanged between the select committee and counsel for Mr. Scavino.

1 [Scavino Exhibit No. 4

2 Was marked for identification.]

3 [REDACTED] Specifically, they are an email exchange between Mr. Woodward,
4 myself, and [REDACTED], who is [REDACTED] for the select committee,
5 dated from October 20th until November 30th, 2021. This exchange includes emails of
6 service of the November 23rd, 2021, subpoena for Mr. Scavino reflecting extended
7 deadlines.

8 It also includes a letter from Mr. Woodward and Mr. Brand to the select
9 committee on November 5th, 2021. Attached to that letter is a letter from Mr. Justin
10 Clark, counsel to the former President, Donald J. Trump, to Mr. Scavino on October 6th,
11 2021.

12 There is also a letter from the select committee to Mr. Woodward and Mr. Brand
13 dated November 9th, 2021; a letter from Mr. Woodward and Mr. Brand to the select
14 committee dated on November 15th, 2021; a letter from Mr. Woodward and Mr. Brand
15 to the select committee dated November 18th, 2021; a letter from the select committee
16 to Mr. Woodward and Mr. Brand dated November 23rd, 2021; and finally, a letter from
17 Mr. Brand and Mr. Woodward to the select committee dated November 26th, 2021.

18 I will note for the record that the time is now 10:08 a.m., and Mr. Scavino still has
19 not appeared or communicated to the select committee that he will appear today as
20 required by the subpoena.

21 Accordingly, as we await Mr. Scavino's compliance with the October 6th and
22 November 23rd subpoenas, this section of the deposition stands in recess, subject to the
23 call of the chair, at 10:09 a.m.

24 We are off the record.

25 [Whereupon, at 10:09 a.m., the deposition was recessed, subject to the call of the

1 chair.]

**Exhibit 14 — Letter from Chairman Thompson to Counsel
for Mr. Scavino (Dec. 9, 2021)**

RENNIE G. THOMPSON, MISSISSIPPI
Chairman

JOE LOFORIO, CALIFORNIA
ADAM S. SCHIFF, CALIFORNIA
PETE AGUILAR, CALIFORNIA
BRYANNE B. BURPHY, FLORIDA
JANIE HANDE, MARYLAND
FLORIE G. LORIA, VIRGINIA
LOU CHENEY, SUTTERLAND
ADAM KROEMER, ILLINOIS



U.S. House of Representatives
Washington, DC 20515
peravery@hhs.house.gov
(202) 225-7000

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

December 9, 2021

Mr. Stanley E. Woodward, Jr.
Mr. Stan M. Brand
[REDACTED]

Dear Messrs. Woodward and Brand,

The Select Committee to Investigate the January 6th Attack on the U.S. Capitol ("Select Committee") is in receipt of your November 26, 2021, letter and subsequent communications regarding the requested testimony and documents from your client, Daniel J. Scavino, Jr.

Pursuant to the Select Committee's October 6, 2021, subpoena, Mr. Scavino was required to produce documents by October 21, 2021, and to appear for testimony on October 28, 2021.¹ The Select Committee has extended those deadlines five times. In our correspondence dated November 23, 2021, the Select Committee noted that a fifth and final continuance would be granted to November 29, 2021, for documents, and to December 1, 2021, for deposition testimony.

During a phone call on November 30, 2021, Mr. Woodward, counsel for Mr. Scavino confirmed that his client would not appear for testimony the following day and demanded the Select Committee identify in detail each inquiry that would be posed to Mr. Scavino during the deposition. Mr. Woodward asserted that his client could not properly prepare, nor could he advise his client regarding privilege, without more detail, including regarding the pertinence of the Select Committee's inquiries.

My letter dated November 9, 2021, identified with sufficient detail the items we intend to discuss with Mr. Scavino. The Select Committee is not obligated to provide a question-by-question preview to Mr. Scavino in advance of the deposition.

Additionally, counsel has demanded that the Select Committee explain the pertinence of its investigation of Mr. Scavino's knowledge and activities as outlined in the subpoena and the November 9, 2021, letter. As stated in the subpoena, pursuant to House Resolution 503, the Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to

¹ Though counsel, for the first time on November 18, challenged service of the October 6, 2021, subpoena, counsel has produced a letter from President Trump's attorney dated October 6, 2021, requesting that Mr. Scavino assert privilege. Additionally, counsel has represented Mr. Scavino since at least October 20, and at no time indicated that he did not have access to the original subpoena or knowledge of the subjects therein. Thus, as of the date of this letter, Mr. Scavino has had at least seven weeks to produce responsive documents and identify topics that he believes to be beyond the scope of privilege. To date, he has done neither.

Messrs. Stanley Woodward and Stan Brand
Page 2

recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021, and the messages, videos, and internet communications that were disseminated to the public concerning the election, the transition in administrations, and the constitutional and statutory processes that effect that transition.

The Select Committee has reason to believe that Mr. Scavino has information relevant to understanding important activities that led to and informed the events at the Capitol on January 6, 2021, and relevant to former President Trump's activities and communications in the period leading up to and on January 6. For example, the Select Committee has reason to believe that he has knowledge regarding the communications strategy of the former President and his supporters leading up to the events on January 6. Mr. Scavino served the former President in various roles advising on or running social media, from the 2016 presidential campaign through his service in the Trump White House across the tenure of the Trump Administration. As the Deputy Chief of Staff for Communications, reporting indicates that he was with the former President on January 5, when he and others were considering how to convince Members of Congress not to certify the election for Joe Biden.² Mr. Scavino's public Twitter account makes clear that he was tweeting messages from the White House on January 6, 2021, including after President Trump was suspended from several social media platforms.³ Mr. Scavino was reportedly with or in the vicinity of former President Trump on January 6 and is a witness regarding his activities that day. He may also have materials relevant to his videotaping and tweeting messages on January 6.

Prior to January 6, 2021, Mr. Scavino promoted, through his Twitter messaging, the January 6 March for Trump, which encouraged people to "be a part of history,"⁴ and also used his personal, unofficial social media accounts to post messages about President Trump, including content that many of the President's followers interpreted as covert messaging about "stop the steal" and January 6.

Mr. Scavino was also reportedly present for meetings in November 2020 where President Trump consulted with outside advisors about ways to challenge and/or overturn the results of the 2020 election, including when and whether Mr. Trump should concede.⁵

The items identified in the Select Committee's subpoena and the November 9, 2021, letter regarding deposition topics are tailored to illuminate Mr. Scavino's understanding and knowledge of events leading up to, on, and in the aftermath of January 6. As such, they are unquestionably pertinent to the Select Committee's jurisdiction as outlined in House Resolution 503.

² Bob Woodward & Robert Costa, *Peril* at 231 (2021).

³ E.g., Dan Scavino (@DanScavino), Twitter (Jan. 6, 2021, 11:12 AM, from The White House), <https://twitter.com/DanScavino/status/1346584866964598783?s=20>; Dan Scavino(American flag)[eagle] (@DanScavino), Twitter (Jan. 6, 2021, 10:50 AM, from The White House), <https://twitter.com/danscavino/status/1346846609995168385?lang=en>.

⁴ Dan Scavino (@DanScavino), Twitter (Jan. 2, 2021, 9:04 PM), <https://twitter.com/DanScavino/status/1345551501440245762?s=20>.

⁵ Carol Leonnig & Phillip Rucker, *I Alone Can Fix It* (2021).

Messrs. Stanley Woodward and Stan Brand
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Though counsel for Mr. Scavino has indicated a desire to cooperate with the Select Committee's investigation, Mr. Scavino has repeatedly rebuffed every request that he identify particularized assertions of privilege, as required by law, areas of inquiry for which he does not intend to assert a privilege, areas of inquiry for which he has no responsive information, and/or areas of inquiry for which he does not object as to pertinence.⁶ If Mr. Scavino believes he can respond to any of the Select Committee's inquiries without an assertion of privilege, he had an opportunity to do so on the record at the scheduled December 1, 2021, deposition, during which he also could have made the particularized assertions of privilege in response to specific questions as required.

However, Mr. Scavino did not appear for his deposition on December 1, nor has he produced a single document to date. The Select Committee conducted the deposition proceeding on that date and recorded Mr. Scavino's absence and failure to comply with the subpoena. As Mr. Scavino has yet to meaningfully cooperate with any of the pending requests, the Select Committee is considering enforcement action, including the contempt of Congress procedures in 2 U.S.C. §§192, 194—which could result in a referral from the House to the Department of Justice for criminal charges—as well as the possibility of having a civil action to enforce the subpoena brought against Mr. Scavino in his personal capacity. If Mr. Scavino wishes to avoid this enforcement, he should move expeditiously to cure his non-compliance.

Sincerely,



Bennie G. Thompson
Chairman

⁶ Contrary to counsel's assertion, the Select Committee has not asked Mr. Scavino to identify items of relevance to its investigation; rather, the Select Committee has asked Mr. Scavino to identify which areas of inquiry already described by the Select Committee do not trigger any assertions of privilege or objections to pertinence. To date, Mr. Scavino has refused to inform the Select Committee whether there are any items of agreement between the parties.

**Exhibit 15 — Letter from Counsel for Mr. Scavino to
Chairman Thompson (Dec. 13, 2021)**

BRAND | WOODWARD
Attorneys at Law

Stan M. Brand

Stanley E. Woodward Jr.

December 13, 2021

VIA ELECTRONIC MAIL

The Honorable Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, District of Columbia 20515

Re: Daniel J. Scavino, Jr.

Dear Chairman Thompson:

We are in receipt of your correspondence of December 9, 2021. For the second time in as many weeks, you have demanded an immediate response from us with little regard for either our, or our client's, time and availability. Specifically, your staff provided us with your correspondence Thursday, at 7:15pm est, and advised that they wished to speak with us today, as early as at 9:30am the following day. Similarly, your last correspondence provided us with a mere 72 hours to respond, including the Thanksgiving Holiday. Yet, as you acknowledge in your correspondence, *more than two weeks* have passed without the courtesy of a reply. Unfortunately, public records will show that the undersigned was in court Friday and not otherwise available for a teleconference with your staff.

To that end, we respectfully disagree with the way in which you have characterized our non-written conversations with your staff. We again encourage your careful consideration of our prior correspondence, which clearly articulates our client's specific concerns with the Select Committee's subpoenas. Out of an abundance of caution, that correspondence, dated November 5, 2021, November 15, 2021, November 18, 2021, and November 23, 2021, is attached for your reference.

Although we hope it obvious, the tone of your latest correspondence compels us to unambiguously affirm the high esteem with which we hold United States House of Representatives, a body for which Mr. Brand served as Chief Counsel, and its important function within our co-equal branches of government. It is our profound respect for the institution that obliges us to ensure that the work of the House, and by extension its committees, carefully accords with the limits imposed by the doctrine of Separation of Powers. On behalf of our client, Dan Scavino, we ask of the Select Committee of nothing more than that to which he is entitled under the law.

We wish not to reiterate the concerns we have specifically articulated in our prior correspondence and again encourage your careful consideration of the same. We would

BRAND | WOODWARD
Attorneys at Law

December 13, 2021

Page 2

respectfully disagree, however, with your characterization of Mr. Scavino's exercise of these important rights as his having "repeatedly rebuffed every request that he identify particularized assertions of privilege, as required by law, areas of inquiry for which he does not intend to assert privilege, areas of inquiry for which he has no responsive information, and/or areas of inquiry for which he does not object to pertinence." We address these mischaracterizations in turn.

You write that Mr. Scavino has "repeatedly rebuffed" the Select Committee's request "to identify particularized assertions of privilege" as "required by law." To the contrary, in our correspondence of November 15, 2021, Mr. Scavino articulated with great detail several categories of communications over which we submit an assertion of executive privilege would be warranted. Moreover, we advised that because President Trump has directed Mr. Scavino to assert any applicable privilege as to those records, which "gives rise to a legal duty on the part of [Mr. Scavino] to invoke the privilege on the President's behalf." *Comm. On the Judiciary v. McGahn*, 415 F. Supp. 3d 148, 213 n.34 (D.D.C. 2019). The Select Committee has provided no response to this proffer by Mr. Scavino, instead simply mischaracterizing Mr. Scavino's response as an improper blanket assertion of privilege. Moreover, Mr. Scavino cannot even begin to address how the executive privilege will implicate his testimony given that the Select Committee has failed to provide Mr. Scavino with the information necessary to do so.

To that end, you write that Mr. Scavino has "repeatedly rebuffed" the Select Committee's request that he identify "areas of inquiry for which he does not intend to assert privilege." Again, this mischaracterizes Mr. Scavino's position. Rather, in our correspondence of November 18, 2021, we requested that the Select Committee "furnish an explanation as to how any desired 'matter of inquiry' falls within the jurisdiction vested by Congress." Rather than respond to Mr. Scavino's request, your correspondence of November 23, 2021, failed to address the issue of pertinence at all. Now, your correspondence of December 9, 2021, broadly asserts: "The items identified by the Select Committee's subpoena and the November 9, 2021 letter... are unquestionably pertinent to the Select Committee's jurisdiction." Respectfully, Mr. Chairman, such *ipse dixit* – mere "blanket assertions" of jurisdiction – is what has stymied our efforts to foster further discussion and continued collaboration with the Select Committee. And while your correspondence of December 9, 2021, does portend to address our concern over the pertinence of the "matters of inquiry" identified by the Select Committee, merely reciting the language within your initial October 9, 2021 correspondence to Mr. Scavino does little to elucidate the matter. To be clear, our ask is not that the Select Committee "provide a question-by-question preview to Mr. Scavino in advance of [his] deposition." However, the Select Committee has failed to address in any way the specific "matters of inquiry" we identified in our correspondence of November 18, 2021, that appear to be beyond the scope of the Select Committee's jurisdiction, including your admonishment that "the Select Committee reserves the right to question Mr. Scavino about other topics."

You also write that Mr. Scavino has "repeatedly rebuffed" the Select Committee's request that he identify "areas of inquiry for which he has no responsive information, and/or areas of inquiry for which he does not object to pertinence." This is simply not true – the Select Committee has yet to ask Mr. Scavino to identify any "matter of inquiry" for which he has no responsive information – and this mischaracterization again casts doubt on the Select Committee's careful consideration of the numerous legal and procedural issues raised by our prior correspondence. For it is this mischaracterization that highlights what has been a consistent theme in the Select

BRAND | WOODWARD

Attorneys at Law

December 13, 2021

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Committee's demands – the obligation of *Mr. Scavino* to facilitate the Select Committee's taking of his deposition. Contrary to the Select Committee's assertion, however, Mr. Scavino has a Constitutional right to the information he has requested: "It is obvious that a person compelled to [testify] is entitled to have knowledge of the subject to which the interrogation is deemed pertinent [and] [t]hat knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense." *Watkins*, 354 U.S. 178, 208-09 (1957). The Select Committee's demand in effect amounts to forcing Mr. Scavino to waive his Constitutional rights, which the Select Committee cannot do. See *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938). See also *United States v. North*, 920 F.2d 940, 946 (D.C. Cir. 1990) (*en banc*) ("The political needs of the majority, or Congress, or the President, never, never, never should trump an individual's explicit constitutional protections.").

Sincerely,



Stan M. Brand


Stanley E. Woodward Jr.

**Exhibit 16 — Letter from Counsel for Mr. Scavino to
Chairman Thompson (Feb. 8, 2022)**

BRAND | WOODWARD
Attorneys at Law

Stan M. Brand
[REDACTED]

Stanley E. Woodward Jr.
[REDACTED]

February 8, 2022

VIA ELECTRONIC MAIL

The Honorable Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, District of Columbia 20515

Re: Daniel J. Scavino, Jr.

Dear Chairman Thompson:

We are in receipt of your correspondence of February 4, 2022. The irony of your threat to hold Mr. Scavino in contempt for failing to respond to this correspondence within just two business days, despite having waited fifty-three (53) days to respond to our correspondence of December 13, 2021, *without actually providing the information requested therein*, is not lost on our client and exemplifies the "prosecution tactics" with which the Select Committee has been accused of adopting.¹ Put bluntly, your latest correspondence exemplifies the Select Committee's pattern and practice of intimidation and disregard for the rule of law, its application to the important function of the House of Representatives, and the important doctrine of Separation of Powers. Nevertheless, in a continued effort to foster collaboration with the Select Committee we provide the following response to your inquiry.

Mr. Scavino's Subpoena for Documents

Your February 4, 2022, correspondence mischaracterizes our position with respect to Mr. Scavino's production of documents in response to the Select Committee's November 23, 2021, subpoena. As we advised in our November 5, 2021, correspondence, Mr. Scavino served as a close advisor to the President – Deputy Chief of Staff for Communications – regardless of whether the communications in question were sent or received on a personal device or through a personal social media or other account.² As we also advised in our November 5, 2021, correspondence, we

¹ Michael S. Schmidt and Luke Broadwater, In Scrutinizing Trump and his Allies, Jan. 6 Panel Adopts Prosecution Tactics, *The New York Times* (Feb. 5, 2022), available at <https://www.nytimes.com/2022/02/05/us/politics/january-6-committee.html?referringSource=articleShare>.

² We are unaware of any recorded communications between Mr. Scavino, campaign officials, and other third parties that are not properly considered official communications, but invite the Select Committee

BRAND | WOODWARD
Attorneys at Law

February 8, 2022
Page 2

believe any official communications that were received (or sent) from a personal device or social media account would have separately been provided to the National Archives and/or otherwise preserved. We have acknowledged the remote possibility that Mr. Scavino may be in possession of an errant record of a communication sent or received from a personal device or account that has not otherwise been provided to the Archives. Thus, as we have repeatedly advised, including in our correspondence of November 15, 2021, we will promptly inform the Select Committee if we become aware of a record responsive to a lawful subpoena of the Select Committee not otherwise in the possession of the National Archives.³

The Supreme Court's decision not to consider President Trump's petition for a stay of the D.C. Circuit's mandate (and thus the D.C. District's Court's denial of a motion for a preliminary injunction restraining order) does not resolve the issue of President Trump's directive, as detailed in our correspondence of November 5, 2021, that Mr. Scavino "not produce any documents concerning [his] official duties in response to [the Select Committee's] subpoena" and to invoke all applicable privileges and immunities protecting such records from production pursuant to your subpoena.⁴ As the Circuit Court articulated in its opinion, "[t]his preliminary injunction appeal involves only a subset of those requested documents over which former President Trump has claimed executive privilege, but for which President Biden has expressly determined that asserting a claim of executive privilege to withhold the documents from the January 6th Committee is not warranted." *Trump v. Thompson*, No. 21-5254, 2021 U.S. App. LEXIS 36315, at *4 (D.C. Cir. Dec. 9, 2021) (emphasis added). Further, the Circuit Court expressly limited its holding, "to those documents in the Archivist's first three tranches over which President Biden has determined that a claim of executive privilege is not justified." *Id.* at *7 (emphasis added). It remains to be known whether Presidents Trump and Biden will agree on the assertion of any applicable privilege with respect to communications sent to or from Mr. Scavino that are identified by the Archivist as

to provide additional detail concerning your vague and ambiguous assertion that any such "repeated contacts" would have generated records lawfully responsive to the Select Committee's subpoena.

³ Mr. Scavino takes seriously his duty to preserve "presidential records" and is aware of his obligation to take steps to "assure that the activities, deliberations, decisions, and policies that reflect the performance of the President's constitutional, statutory, or other official or ceremonial duties are adequately documented and that such records are preserved and maintained," and thanks the Select Committee for its attention to the same.

⁴ For at least the second time, your correspondence of February 4, 2022, suggests that because, "Mr. Trump has never had any correspondence with the Select Committee asserting executive privilege over Mr. Scavino's documents or testimony," Mr. Scavino's assertion of all applicable privilege and immunities is improper. However, we are aware of no authority requiring President Trump to communicate his assertion of privilege directly with the Select Committee and would note that you cite none.

BRAND | WOODWARD
Attorneys at Law

February 8, 2022
Page 3

responsive to the Select Committee's subpoena in the future,⁵ and we note the Select Committee's agreement to withdraw its request for certain records at President Biden's prompting.⁶

Mr. Scavino's Subpoena for Deposition Testimony⁷

Your February 4, 2022, correspondence again baldly misrepresents that, "the Select Committee has more than adequately addressed [Mr. Scavino's] questions about the jurisdiction of the Select Committee and subjects [the Select Committee] intends to address at [Mr. Scavino's] deposition." Rather, the Select Committee has merely articulated "blanket assertions" of jurisdiction – mere *ipse dixit* – including, for example, by asserting in your correspondence of December 9, 2021, that, "[t]he items identified by the Select Committee's subpoena and November 9, 2021, letter . . . are unquestionably pertinent to the Select Committee's jurisdiction." (emphasis added). Specifically, in our correspondence of November 18, 2021, we requested that the Select Committee "furnish an explanation as to how any desired 'matter of inquiry' falls within the jurisdiction vested by Congress." Despite subsequent correspondence on November 23, 2021, December 9, 2021, and now February 4, 2022, the Select Committee has yet to articulate the specific nexus as between its proffered matters of inquiry, including your admonishment that "the Select Committee reserves the right to question Mr. Scavino about other topics," and the specific legislative purpose it seeks to advance. *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, at *2024 (2019) ("Most importantly, a congressional subpoena is valid only if it is 'related to, and in furtherance of, a legitimate task of the Congress.'" (quoting *Watkins*, 354 U.S. at 187)).

⁵ We also note that the Parties to this litigation, yourself included, recently advised the District Court that, [t]he parties have again conferred with respect to Defendants' forthcoming responses to the Complaint and the future of the litigation [and] agreed that the best course was to further defer the Defendants' response for thirty days so that Plaintiff can determine his next steps." Mot. Ext., *Trump v. Thompson*, No. 21-cv-02769-TSC (D.D.C. Feb. 4, 2022) (ECF No. 52). This representation confirms that the litigation remains pending and will remain pending for another thirty (30) days.

⁶ See Correspondence from Jonathan C. Su, Deputy Counsel to the President, to [REDACTED], to the Select Committee to Investigate the January 6th Attack on the U.S. Capitol (Dec. 16, 2021), available at <https://www.archives.gov/files/foia/su-letter-to-amerling.12.16.2021-attached-to-12.17.2021-remus-letter-to-ferriero.pdf> (confirming the Select Committee's agreement to withdraw or defer its requests for all or part of 511 documents deemed sensitive or unrelated to the Select Committee's investigation).

⁷ We feel compelled to note, for the benefit of history, that the Select Committee's arbitrary deposition date of December 1, 2021, was functionally ceremonial. Prior to that date, the Select Committee had yet to (and still has yet to) respond to Mr. Scavino's request for information contained within his November 18, 2021, correspondence. Then, in response to Mr. Scavino's November 26, 2021, correspondence, your staff wrote to confirm whether Mr. Scavino would attend a deposition arbitrarily set for December 1, 2021. In response, counsel advised that, "as the Select Committee has yet to address the concerns we raised, I believe our position remains fairly stated in our correspondence." Your staff responded by advising that, "[f]or your information, we will be proceeding on the record tomorrow to record [Mr. Scavino's] absence." Had your staff meaningfully engaged counsel in an effort to resolve our concerns with the proposed deposition, your staff would have learned that counsel was scheduled to appear that morning, and did appear, before U.S. District Court Judge Paula Xinis. See H'rg T., *United States v. Schulman*, No. 20-cr-00434-PX (Dec. 1, 2021) (ECF No. 97).

BRAND | WOODWARD
Attorneys at Law

February 8, 2022
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Your February 4, 2022, correspondence again suggests that Mr. Scavino has “declined to” “narrow the topics in dispute by requesting that [Mr. Scavino] identify the areas of inquiry for which [Mr. Scavino] ha[s] no responsive information or documents.” Notwithstanding your representation to the contrary, the Select Committee has yet to ask Mr. Scavino to identify any “matter of inquiry” for which he has no responsive information – and this mischaracterization again casts doubt on the Select Committee’s careful consideration of the numerous legal and procedural issues raised by our prior correspondence.⁸ For it is this mischaracterization that highlights what has been a consistent theme in the Select Committee’s demands – the obligation of *Mr. Scavino* to facilitate the Select Committee’s taking of his deposition. Contrary to the Select Committee’s assertion, however, Mr. Scavino has a Constitutional right to the information he has requested and he does not now, nor has he ever, asserted absolute immunity from subpoenaed testimony before the Select Committee. Rather, we ask only that the Select Committee afford Mr. Scavino the rights guaranteed to him – and every citizen irrespective of their service as senior Presidential advisors – under the law: “It is obvious that a person compelled to [testify] is entitled to have knowledge of the subject to which the interrogation is deemed pertinent [and] [t]hat knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense.” *Watkins v. United States*, 354 U.S. 178, 208-09 (1957). Only once this information has been furnished can the application of an applicable privilege or immunity, including the executive privilege, be properly assessed.

To that end, we note that the Supreme Court’s decision not to consider President Trump’s petition for a stay of the D.C. Circuit’s mandate has no bearing on President Trump’s directive that Mr. Scavino invoke all applicable privileges and immunities, including with respect to any testimony subpoenaed by the Select Committee. Specifically, that action *only* involves the challenge of a subpoena for documents issued by the Select Committee, and not a subpoena for testimony. See Complaint, *Trump v. Thompson*, No. 21-cv-02769 (Oct. 18, 2021) (ECF No. 1). The D.C. Circuit defined the breadth of the suit as a challenge to, “a request to the Archivist of the United States under the Presidential Records Act, seeking the expeditious disclosure of presidential records pertaining to the events of January 6th” *Trump v. Thompson*, No. 21-5254, 2021 U.S. App. LEXIS 35315, at *3-4 (Dec. 9, 2021). Put simply, the Presidential Records Act, 44 U.S.C. § 2205(2)(C), does not apply to assertions of executive privilege as to deposition testimony.

Finally, we respectfully request that our good faith negotiations in furtherance of an amicable resolution of our challenges to the Select Committee’s subpoenas continue to be memorialized in writing. As you are no doubt aware, the Department of Justice has taken the position that the representation of an individual before the Select Committee potentially renders them a witness in any future contempt action. See *Mot. Compel, United States v. Bannon*, No. 21-cv-00670, at Ex. 2 (Feb. 4, 2022) (ECF No. 26-2) (Correspondence from Amanda R. Vaughn, Assistant United States Attorney, United States Attorney’s Office for the District of Columbia, to David L.

⁸ We note that your correspondence of February 4, 2022, incorrectly asserts that we cite the pending litigation brought by President Trump against the Committee and the National Archives in our correspondence of November 15, 2021. That correspondence identified, as the Select Committee requested, categories of records over which an assertion of executive privilege was being made. To date, Mr. Scavino has received no response to this correspondence.

BRAND | WOODWARD

Attorneys at Law

February 8, 2022

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Schoen, Esq. (Jan. 7, 2022)) ("As you are aware, . . . Mr. Costello represented Mr. Bannon before the January 6th Committee . . . in relation to the subpoena it issued to Mr. Bannon and is, therefore, a witness to the conduct charged in the indictment."). Therefore, we again encourage your careful consideration of our prior correspondence, which clearly articulates our client's specific concerns with the Select Committee's subpoenas, including our correspondence dated November 5, 2021, November 15, 2021, November 18, 2021, November 23, 2021, and December 13, 2021.

We look forward to the courtesy of your response.

Sincerely,



Stan M. Brand


Stanley E. Woodward Jr.

Mr. THOMPSON of Mississippi. Mr. Speaker, by direction of the Select Committee to Investigate the January 6th Attack on the United States Capitol, I call up the resolution (H. Res. 1037) recommending that the House of Representatives find Peter K. Navarro and Daniel Scavino, Jr., in contempt of Congress for refusal to comply with subpoenas duly issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 1023, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 1037

Resolved, That Peter K. Navarro and Daniel Scavino, Jr., shall be found to be in contempt of Congress for failure to comply with congressional subpoenas.

Resolved, That pursuant to 2 U.S.C. §§ 192 and 194, the Speaker of the House of Representatives shall certify the report of the Select Committee to Investigate the January 6th Attack on the United States Capitol, detailing the refusal of Peter K. Navarro to produce documents or appear for a deposition before the Select Committee to Investigate the January 6th Attack on the United States Capitol as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Navarro be proceeded against in the manner and form provided by law.

Resolved, That pursuant to 2 U.S.C. §§ 192 and 194, the Speaker of the House of Representatives shall certify the report of the Select Committee to Investigate the January 6th Attack on the United States Capitol, detailing the refusal of Daniel Scavino, Jr., to produce documents or appear for a deposition before the Select Committee to Investigate the January 6th Attack on the United States Capitol as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Scavino be proceeded against in the manner and form provided by law.

Resolved, That the Speaker of the House shall otherwise take all appropriate action to enforce the subpoenas.

The SPEAKER pro tempore. The resolution shall be debatable for 1 hour equally divided among and controlled by the gentleman from Mississippi (Mr. THOMPSON), the gentlewoman from Wyoming (Ms. CHENEY), and an opponent, or their respective designees.

The gentleman from Mississippi (Mr. THOMPSON), the gentlewoman from Wyoming (Ms. CHENEY), and the gentleman from Indiana (Mr. BANKS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include any extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to start our debate by talking a little bit about what the American people ought to expect of their leaders, of those who hold positions of public trust and the responsibilities that come with it.

I have been thinking about those responsibilities for more than 50 years, in all the time I have been fortunate enough to hold a position of public trust. It doesn't matter if you are an alderman, a mayor, Member of Congress, President of the United States, or a staff member working as a civil servant, or a political appointee. When you work for the public, when the people's taxes pay your salary, those jobs come with serious rules and serious obligations.

Dan Scavino and Peter Navarro both held positions of public trust. Mr. Scavino was a top communications official in the Trump White House. Mr. Navarro was a trade adviser. They each drew salaries paid by the American people to the tune of over \$180,000 per year. They both were to abide by certain rules and obligations. They both swore oaths of allegiance to the Constitution.

The select committee wants to talk to both of them, but about a lot more than their White House jobs. We want to talk to them about their roles in trying to overturn the 2020 election. We subpoenaed them for their records and testimony. They told us to buzz off. Not a single record. No-shows for their deposition.

Their excuse was: As former White House employees, the information we wanted—again, information about overturning an election—was shielded by executive privilege, a protection for the President to make sure sensitive, official conversations stay private.

In other words, they are arguing that their roles in trying to overturn an election had to stay secret because they had official roles as advisers to the ex-President.

If they want to make those claims, ridiculous as they sound, here is what the law requires: They need to show up and make those claims on the record, under oath. They refused to do that. That alone means they are in contempt of Congress. But I want to dig a little deeper into the argument these men are making.

As I mentioned before, these are rules and obligations that bind public servants. One of the most important rule is that you can't do campaign work on government time or using taxpayer money. Pretty straightforward. Plenty you can do on your own time, but not when you are on the clock. That is the law.

If you have heard of the Hatch Act, it has probably been when a Cabinet Secretary or White House official had crossed the line from their official duties into political matters. In fact, in

2020, Mr. Navarro was dinged by a government watchdog for violating the Hatch Act by using his official role to attack President Joe Biden. That law prohibits, among other things, someone from using "official authority or influence for the purpose of interfering with or affecting the results of an election."

Sounds familiar? In the case of Mr. Navarro and Mr. Scavino, trying to affect the result of an election wasn't knocking on doors or putting signs in people's front yards. They were trying to help a defeated President stay in power. It is not conceivable that their involvement in that effort could have legally overlapped with their official duties.

But beyond that, it was a betrayal of the oath these men took. It was a betrayal of the public trust. Even if you do it on your own time, trying to overturn an election is still trying to overturn an election. We know that the people who stormed this building on January 6 had the same goal: trying to overturn an election. That is what the select committee is investigating. That is why we need to hear from Mr. Scavino and Mr. Navarro.

But as the select committee works to provide answers to the American people, these two are saying: "I worked at the White House when all this took place. Even if I was plotting to overturn the government, I was collecting a government salary at the time, so I don't have to talk about it."

Can you imagine? I have served my community and my country most of my life. Like my colleagues in this body, I have labored to uphold my oath and do right by the people I serve. I know my constituents expect that of me.

To run into this kind of obstruction, this kind of cynical behavior, as we investigate a violent insurrection, is just despicable. It can't stand.

Dan Scavino and Peter Navarro must be held accountable for their abuses of the public trust. They must be held accountable for their defiance of the law. They are in contempt of Congress, which is a crime, and I call on my colleagues to do their duty to defend this institution and the rule of law and to vote "yes" on this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. CHENEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the select committee has now conducted over 800 interviews and depositions of witnesses who have knowledge of the events of January 6. This includes more than a dozen former Trump White House staff members.

Mr. Speaker, when you hear my colleagues make political, partisan attacks on the select committee, I hope that all of us can remember some basic facts: Through these interviews, we have learned that President Trump and his team were warned in advance, and repeatedly, that the efforts they undertook to overturn the 2020 election

would violate the law and our Constitution; they were warned that January 6 could, and likely would, turn violent; and they were told repeatedly by our State and Federal courts, by our Justice Department, and by agencies of our intelligence community, that the allegations of widespread fraud, sufficient to overturn an election, were false and were unsupported by the evidence.

Yet, despite all of these specific warnings, President Trump and his team moved willfully through multiple means to attempt to halt the peaceful transfer of power, to halt the constitutional process for counting votes, and to shatter the constitutional bedrock of our great Nation.

As a Federal judge has recently concluded, the illegality of President Trump's plan for January 6 was "obvious."

We are here today to address two specific witnesses who have refused to appear for testimony before the committee.

The committee has many questions for Mr. Scavino about his political social media work for President Trump, including his interactions with an online forum called "theDonald.win" and with QAnon, a bizarre and dangerous cult.

Mr. Scavino worked directly with President Trump to spread President Trump's false message that the election was stolen and to recruit Americans to come to Washington on January 6 to "take back their country." This effort to deceive was widely effective and widely destructive, and Donald Trump's stolen election campaign succeeded in provoking the violence on January 6.

On this point, there is no doubt. The committee has videos, interviews, and sworn statements from violent rioters demonstrating these facts.

Mr. Navarro will also be a key witness. He has written a book boasting about his role in planning and coordinating the activity of January 6. We have many questions for Mr. Navarro, including about his communications with Roger Stone and Steve Bannon regarding the planning for January 6.

As Judge Carter recently concluded: "Based on the evidence, the Court finds it more likely than not that President Trump corruptly attempted to obstruct the joint session of Congress on January 6, 2021."

In the case of both of these witnesses, Mr. Speaker, the committee would rather have their testimony than have to move this contempt citation. When you hear my colleagues attack the select committee, remember Mr. Scavino and Mr. Navarro have chosen not to appear. They did not have to make this choice, but they did.

In America, no one is above the law. Neither Mr. Trump nor Mr. Scavino nor Mr. Navarro is some form of royalty. There is no such thing in America as the privileges of the crown. Every citizen has a duty to comply with a subpoena.

Mr. Speaker, when you hear my colleagues challenge the committee's legislative purpose, remember the D.C. Circuit and the Supreme Court of the United States have affirmed our legislative purpose. Too many Republicans are, once again, ignoring the rulings of the courts, as many of them did in the run-up to January 6.

Mr. Speaker, the tale of what happened following the 2020 election, resulting in the violence of January 6, is a tale of stunning deceit. It is a tale of lies about our election and contempt for the rulings of our courts.

The election claims made by Donald Trump were so frivolous and so unfounded that the President's lead lawyer did not just lose these cases; he lost his license to practice law. The New York Supreme Court found: "There is uncontroverted evidence that Mr. Giuliani communicated demonstrably false and misleading statements to courts, lawmakers, and the public at large in his capacity as lawyer for former President Donald J. Trump and the Trump campaign in connection with Trump's failed effort at reelection in 2020."

□ 1700

Mr. Speaker, those in this Chamber who continue to embrace the former President and his dangerous and destructive lies ought to take a good, hard look at themselves. At a moment of real danger to our Republic, when the need for fidelity to our Constitution is paramount, they have abandoned their oaths in order to perform for Donald Trump. That will be their legacy.

Mr. Speaker, this is not a close call. Mr. Navarro and Mr. Scavino have chosen not to comply with a congressional subpoena. They are in contempt. I urge my colleagues to vote "yes" on this resolution, and I reserve the balance of my time.

Mr. BANKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope this is the last time that we do this. Just last week, we watched members of the January 6th Select Committee criticize the DOJ for not jailing their political opponents fast enough.

Now the committee is trying to refer two more of President Trump's advisers to the DOJ for criminal prosecution. The same DOJ, by the way, that has slandered concerned parents as domestic terrorists; a DOJ overseen by a President who said President Trump should be prosecuted.

So let's be clear, we aren't voting today to rename a post office. So, please, let's be honest with ourselves. A vote to hold Dan Scavino and Peter Navarro in contempt of Congress is a vote to put them in jail for a year. Neither of these men deserve this. The party line isn't a good enough excuse today. Disliking their politics isn't an excuse.

Mr. Scavino has two boys. He is a good dad. He doesn't deserve this. His

boys definitely don't deserve this. So before we vote today, I have got to ask, could anyone here explain to those boys why their dad deserves to be behind bars for a year?

Mr. Scavino grew up in a working-class family in New York City. He is a former caddy who worked his way up to the White House through hard work and determination. Mr. Scavino lived the American Dream. Now, thanks to the select committee, he is living an authoritarian nightmare.

The select committee will say that it is Mr. Scavino's fault for refusing to cooperate. That is simply not true. Mr. Scavino asked time and again for the committee to follow the rule of law and provide him with a narrow and specific legislative purpose for the information that they were seeking. He asked, "How is what you want from me pertinent to your investigation?" And they refused to explain.

But remember what they said last week. The January 6th Committee must enforce its subpoenas. But contempt is not enforcement; it is punishment. Contempt won't get the committee any information. Only the court can do that. But they don't want to go to the judiciary. They don't want neutral arbitration. They want political punishment.

The select committee has never been interested in factfinding. In fact, JIM JORDAN and I were both blocked from sitting on the committee because we promised to fully investigate the security failure at the Capitol. The Democrat leaders don't want that. They claim they blocked us for being too partisan.

Meanwhile, the committee's lead staffer signed his name to a false letter calling the Hunter Biden laptop Russian disinformation. Apparently, lying to undermine democracy is a key qualification for employment of this committee.

If the January 6th Committee gets its way, Congress will have referred four former Trump officials for prosecution in under 6 months, another record for the 117th Congress.

The select committee aims to do two things: silence legitimate questions about the breakdown of security at the Capitol and punish their political opponents. It is that simple.

Dan Scavino is accused of listening to his boss, the former Commander in Chief, who told him to "invoke all applicable privileges and immunities." Today's vote is not about wrongdoing, and it isn't about anybody's character, no matter what they say.

Today's vote is about the character of this House. It is about abusing the seat of our democracy to attack American democracy. The question is, do we live in a country where you can go to jail for working for the wrong politician? Would you want to live in that country? The question is, will you help create that country? Because I think we have had a pretty good thing going for the last 240 years, and that is exactly why I urge all of my colleagues

to vote “no” on this resolution today. Madam Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, just for the record, let me say that we are here for this contempt process today, but the President's own daughter complied with the wishes of the committee. I would think that if his daughter complied with the wishes of the committee, everyone else should, even the people who worked for him.

Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader of the House.

Mr. HOYER. Madam Speaker, I thank the gentleman from Mississippi for yielding. I thank the gentlewoman from Wyoming for her courage in standing for the truth.

I disagree with many things that the previous speaker said. I disagree with his premises and with his conclusion in many respects. But I do agree with him on one thing: This vote is about the character of the House—I agree with him on that—which is why 435 of us ought to vote for this resolution, so that the House can do its duty.

Madam Speaker, once again we are forced to take this step, asking the Justice Department to charge individuals with criminal contempt for refusing to answer subpoenas as issued by the committee investigating the attack on our Capitol and our democracy on January 6, 2021.

The two gentlemen of which the previous speaker spoke I don't know. I have no quarrel with them individually. But we are a Nation of laws, not of men, and if we are to be a Nation of laws, then we need to respond to legal process; and if we think the assertions are wrong, we need to make our case.

On the merits of this resolution there should be no doubt, and it is about the character of this House, the courage of this House to seek honesty, to seek truth. The individuals in question had intimate knowledge of the former President's actions and decisions on that day. No matter who their children are, no matter what their life has been, they have knowledge that it is important for the American people to have through their Representatives in Congress.

Americans must have a full accounting of what transpired on January 6 and in the weeks leading up to it and perhaps subsequent. That is what the bipartisan select committee has been tasked with undertaking, by a vote of this House. Sadly, I expect maybe most of my colleagues across the aisle will vote against this resolution. It is about the character of this House.

Perhaps they agree with the Republican National Committee, which has said that the violent Trump-led insurrection at the U.S. Capitol, the deaths and injury of U.S. Capitol police officers, and an effort to prevent the certification of an election was, and I quote the Republican National Com-

mittee, “legitimate political discourse.”

How can anybody make that assertion? How can anybody in the Republican National Committee vote for it? Why doesn't everybody on the Republican Party side of the aisle say, “That is not what we believe”? Silence prevails.

There is no doubt that the insurrection on January 6 itself was a danger to our democracy, but I agree with The Washington Post columnist and former White House speech writer for Republican President George W. Bush, Michael Gerson, who wrote on December 16, “It is Republican tolerance for the intolerable that threatens American democracy.”

Very frankly, my friends on the other side of the aisle ought to be celebrating those in their ranks who have the courage to stand up for the truth. I have told LIZ CHENEY, if JOHN KENNEDY were writing his book on Profiles in Courage today, I would urge him to include her and ADAM KINZINGER in that book.

January 6 was a day of peril for America, but the greater crisis is when one of our two main political parties has become so hijacked by extremism and so enthralled to a dangerous demagogue that it condones, even celebrates insurrection and violence.

Madam Speaker, how can the same party that claims it honors law enforcement simultaneously declare that violent attacks against police officers are legitimate? How can one of our two political parties be so craven for short-term partisan gain that it is willing to encourage and condone insurrection? How can its Members use their sacred votes in the House, the people's House, in an effort to impede the investigation of this dark and dangerous day in the history of our democracy?

That is what this vote is about. Not only the character of this House, but the character of this country, the character of the people who demand, hopefully, truth, because that is what will set us all free.

Because that is what this vote is about: Whether you believe that the violent attack on January 6, one in which a mob threatened the life of the Republican Vice President and threatened the life of the Speaker of this House—the Speaker of all the House—in an attempt to overthrow our democracy, does that constitute legitimate political discourse? Madam Speaker, I can't believe Americans believe that.

We must reject that theory, that the violence that we saw on January 6, the hate that we saw on January 6, is somehow legitimate political discourse, because if people believe that, then our democracy is in grave danger. This vote is about whether you believe a certain individual can be held above the law in our country. It is about whether you believe the American people deserve to know all the facts about January 6 and whether those responsible for the attack ought to be held re-

sponsible. And most fundamentally, Madam Speaker, it is about whether the Congress can fulfill its constitutional responsibility and ability to determine the truth.

Madam Speaker, this vote will reveal to us who was willing to show tolerance for the intolerable. It will reveal to us who is willing to stand up and defend our democracy and the rule of law, irrespective of party, irrespective of personality. That is a call to patriotism, to love of country and to love of Constitution.

My fellow colleagues, let us do our duty to the Constitution, to the Declaration, to our democracy, and to the people we represent. Vote “yes.”

Ms. CHENEY. Madam Speaker, I think it is very important, as our colleagues consider their vote on this resolution, to keep in mind the facts.

Number one, neither Mr. Scavino nor Mr. Navarro has appeared in front of this committee. As I mentioned earlier, we have interviewed over 800 witnesses. The vast majority of them have cooperated fully and answered our questions. Some of the witnesses have taken the Fifth. Some of the witnesses have answered some questions and asserted a privilege on other questions.

But the notion that somehow the former President can instruct someone not to appear, that is not sustainable, that is not found anywhere in the law. If Mr. Scavino or Mr. Navarro wants to assert some kind of a privilege—and again, our questions for them have to do with their activities that are political activities that are not covered by executive privilege, but if they wish to assert that privilege, they can appear and do so.

Ms. CHENEY. Madam Speaker, I would also note that in *Trump v. Thompson*, the D.C. Circuit held, and then we were upheld in the Supreme Court, that the committee's need for this information outweighs the former President's rights to any kind of confidentiality.

I think it is important for those facts to be clear and to be on the RECORD.

Madam Speaker, I reserve the balance of my time.

□ 1715

Mr. BANKS. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GAETZ).

Mr. GAETZ. Madam Speaker, gas prices are rising; the border has become a turnstile; inflation is crushing our fellow Americans; and here we are, back on the floor of the House, reliving January 6.

Some of the members of the January 6th Committee come from the swamps of Washington, D.C. I come from the swamps of Florida, and I know alligator tears when I see them. Yet, we are lectured about performing for the former President.

The reason Scavino and Navarro shouldn't be held in contempt is that the January 6th Committee itself is so

performative, illegitimate, and unconstitutional, kicking off the Republicans that Leader MCCARTHY sent to serve on the committee.

We were accused by the majority leader of having our party hijacked. Our party is ascendant, and time is on our side because when we take the majority back, this nonsense will come to an end.

It is baffling to me that Democrats are so eager to conduct oversight over the last administration that is out of power, but it is hear no evil, see no evil, speak no evil when it comes to the Biden administration.

They are more worried about Trump's trade adviser than Joe Biden's son trading influence for foreign money.

They are more worried about Trump's Deputy Chief of Staff than deputizing the right folks to secure America's border.

The January 6th Committee is a sham. If you took the position of the committee, legally, no President would ever have privilege that would extend beyond the life of that Presidency. No President would have the ability to have candid conversations with staff and advisers that might not immediately come back to bite them the moment they left the Oval Office.

The American people see this for the partisan exercise that it is. Probably some folks at the Justice Department even see that it is a partisan exercise because not all of these contempt citations are well-received at the Justice Department right now.

This contempt referral should similarly be ignored and rejected, and certainly, it is a stain on this House.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KINZINGER), a distinguished veteran of the Air Force and a member of the select committee.

Mr. KINZINGER. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, for all practical purposes, Dan Scavino's career is Donald Trump. Scavino was 16 when they met, and he is, to this day, a Trump stalwart.

Scavino was central to the Trump administration's social media program. He was, for 2 years, President Trump's Deputy Chief of Staff for Communications. Using social media to monitor trends and shape political views was Dan Scavino's core business.

He did that for Donald Trump during the 2016 campaign, and he kept doing it right on through the "stop the steal" and the fraudulent challenge to the 2020 election. He also monitored extremist social media sites for the President.

Dan Scavino was with the President on January 5 and 6. He spoke with Trump by phone several times on January 6 and was with the President as many urged him to help stop the violence at the Capitol. So, Dan Scavino could shed light on what then-Presi-

dent Trump thought would happen on January 6, especially the potential for violence.

Did the President know that the rally could turn violent; that his rhetoric on the Ellipse could send an angry mob to storm the Capitol; that what on the evening of January 5 President Trump called a fired-up crowd might take it literally when, the next morning, he told them to "fight hard"; that he was pouring fuel on the flames?

Dan Scavino was there, so if he were willing to do his duty as a citizen, he could tell us a lot about that. But instead, he has chosen to stiff-arm the American people.

President Trump acknowledged that Scavino sometimes helped shape his tweets. On December 19, Trump retweeted a video that urged viewers to "fight for Trump." The January 6 attack was then just 2½ weeks away.

Why did Donald Trump retweet that particular message? Dan Scavino could give us the inside scoop.

While Trump and his stop the steal gaggle were working hard to subvert the Constitution and steal the election for themselves, President Trump retweeted, after QAnon already had, a video called, "How to Steal an Election."

What would Dan Scavino say about why Trump retweeted a QAnon-blessed video on how to steal an election? He won't risk telling us.

What did President Trump's extremist followers on "The Donald" and other hard-right sites make of Trump urging them to join a wild protest on January 6? Polls show that some took it as marching orders, in fact. Dan Scavino had to know they would.

Dan Scavino knew very well what his boss wanted. He knew that sites like "The Donald" attracted violent extremists. Scavino himself sent out a video that a user on that site understood as literal marching orders and literal war drums.

President Trump and Dan Scavino had been in the White House for 4 years by then. They knew the January 6 crowd could turn violent. They knew exactly what they were doing.

We are here today because Dan Scavino, a key witness, is unwilling to speak with us. He failed to produce a single document in response to the subpoena, and he has clearly demonstrated his complete and utter contempt for Congress.

The SPEAKER pro tempore (Ms. MCCOLLUM). The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. KINZINGER. Madam Speaker, I thank the gentleman for yielding time.

Dan Scavino's blatant disregard for our subpoena is his effort to ensure that Congress and the American people never get the firsthand story that he has to tell.

None of us should find that acceptable. It is contempt for the law and contempt for Congress.

Madam Speaker, I urge my colleagues to vote in favor of this resolution.

Ms. CHENEY. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. AGUILAR).

Mr. AGUILAR. Madam Speaker, I thank the vice chair for yielding time.

Madam Speaker, we have been entrusted by the American people to investigate the attempt to overturn a free and fair election. That attempt to subvert the will of the American people resulted in a deadly attack on the people in this building. But it was bigger than just 1 day of violence and destruction that resulted in the deaths of U.S. Capitol Police officers.

For weeks, various schemes were hatched by individuals, ranging from State legislators to the former President's senior aides to Members of Congress, with a singular objective: Keep Donald Trump in office.

These are the facts, Madam Speaker, facts that were backed up last week by a Federal judge, who, after reviewing some of the evidence our committee has in its possession, said, in part, "The illegality of the plan was obvious."

We are here today to hold two individuals involved, Peter Navarro and Dan Scavino, in contempt of Congress.

Peter Navarro has failed to comply with our investigation in any way despite the fact that he has given multiple TV interviews. In fact, Mr. Navarro appeared on television in support of the former President's failed reelection efforts, so much so that he was found to have repeatedly violated the Hatch Act.

But his political work did not stop when the election was over. We know Mr. Navarro led a call with State legislators about the efforts to convince Vice President Pence to delay election certification for 10 days. We know Mr. Navarro spoke to Steve Bannon, both during and after the attack on the U.S. Capitol.

Mr. Navarro has publicly stated that he is protected by executive privilege, but he has never sought counsel, as others have, and he has not filed any case seeking relief from his responsibilities to comply with our lawful subpoena.

This is a textbook case for contempt, Madam Speaker. While I am not surprised by some of my colleagues who refuse to pull their heads out of the sand and face the facts of what really happened and continues to happen, I remain deeply concerned about what this country looks like if the perpetrators aren't held accountable.

Madam Speaker, I urge my colleagues to support House Resolution 1037.

Mr. BANKS. Madam Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. ARMSTRONG).

Mr. ARMSTRONG. Madam Speaker, the fact is, President Trump has exerted executive privilege, and Mr. Scavino has raised the issue of executive privilege at President Trump's request.

No matter how much my colleagues on the other side want to say differently, it is a legitimate assertion, considering the D.C. Circuit Court, in *Nixon v. Administrator*, held that the executive privilege can be raised by a former President, a determination recently reinforced by Justice Kavanaugh in *Trump v. Thompson* by stating that the right of a former President to assert executive privilege exists, even if the sitting President does not support that privilege. Concluding otherwise would, in fact, actually eviscerate the privilege in total.

Keep in mind that the ruling on executive privilege in *Trump v. Thompson* deals with a narrow set of documents from the National Archives. It has no bearing on whether Mr. Scavino testifies. The ruling does not apply to documents at issue in this case, nor does it apply to the testimony sought by the committee or whether the committee has a legitimate purpose for conversations between President Trump and his aide.

The select committee has refused to acknowledge President Trump's assertion of privilege as it applies to Mr. Scavino, and the committee takes an overexpansive view of what *Trump v. Thompson* actually says and fails to even acknowledge that the Supreme Court case of *Nixon v. Administrator* exists.

This is not a settled question, and it is not nearly as clear-cut as some would have you believe.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), the chairperson of the Committee on House Administration and a member of the select committee.

Ms. LOFGREN. Madam Speaker, no one is above the law.

We have all heard that phrase. It is a bedrock principle, and we know it is what distinguishes democracies like ours from autocracies such as Russia.

Sadly, a few of the former President's closest aides and allies seem to think they are special, that they are above the law, including senior communications official Daniel Scavino, Jr.

Now, who is he? According to many reports, Mr. Scavino worked with the former President to use social media to spread lies regarding nonexistent election fraud and to recruit a violent, angry mob to D.C.

Mr. Scavino also followed violent, extremist social media on behalf of Mr. Trump. We have reason to believe that doing so provided Mr. Scavino with explicit advance warnings of the violence that was to occur on January 6. He may have shared these warnings of violence with Mr. Trump before the 6th, and we need to ask him about that.

He reportedly attended several meetings with Mr. Trump and others regarding reversing the legitimate victory of President Biden and was also with the former President during the Capitol attack when Mr. Trump failed to immediately try to stop it, despite

urgent bipartisan calls for him to do so.

Madam Speaker, a Federal court recently concluded that Mr. Trump likely committed a Federal felony and that he and his allies "launched a campaign to overturn a democratic election" that "spurred violent attacks on the seat of our Nation's government, led to the deaths of several law enforcement officers, and deepened public distrust in our political process."

The court said that his effort was "a coup in search of a legal theory." The court found that if President Trump's "plan had worked, it would have permanently ended the peaceful transition of power, undermining American democracy and the Constitution."

Democrats and Republicans have agreed that the very foundation of our constitutional republic was threatened. We must prevent that from ever happening again.

Senate Minority Leader MITCH MCCONNELL rightly explained that the public needs to know everything about what caused and occurred on January 6. To inform both the American people and legislative reform proposals, the select committee needs to speak with Mr. Scavino. He has to fulfill his legal and moral obligation to provide testimony and documents. Otherwise, he should face consequences.

We must vote "yes" on this resolution to find him in contempt of Congress. In the United States of America, no one, including Mr. Scavino, is above the law.

□ 1730

Ms. CHENEY. Madam Speaker, I yield myself such time as I may consume.

I know my colleague and friend, Mr. ARMSTRONG, knows very well that, first of all, executive privilege is a qualified privilege.

Secondly, former President Trump has not asserted executive privilege.

Third, I have tremendous respect, obviously, for Justice Kavanaugh, but my colleagues continue to quote Justice Kavanaugh without noting that the opinion in the D.C. circuit, which was upheld by the Supreme Court, in that opinion the judge found a number of things, including "to allow the privilege of a no-longer sitting President to prevail over Congress' need to investigate a violent attack on its home and its constitutional operations would gravely impair the basic function of the legislature."

The Court also held that under any of the tests advocated by former President Trump, the profound interests in disclosure advanced by President Biden and the Select Committee to Investigate the January 6th Attack on the United States Capitol far exceed his generalized concerns for executive branch confidentiality.

And I would just repeat again, Madam Speaker, that Mr. Scavino and Mr. Navarro both have chosen not to appear in front of the committee to an-

swer questions that are clearly outside of any potential claim of privilege they may have, and even if they believe there is a claim of privilege, they are obligated to appear and make that assertion. They cannot simply refuse to respond to the committee's subpoena.

Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. MURPHY).

Mrs. MURPHY of Florida. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, as a member of the committee charged with investigating the attack on our Capitol, our Constitution, and our country, I support this resolution to refer Peter Navarro and Daniel Scavino to the Department of Justice for contempt of Congress.

I will focus my remarks on Mr. Navarro.

There is clear evidence that Mr. Navarro was involved in efforts to keep President Trump in power after he lost the election.

We subpoenaed Mr. Navarro seeking testimony and documents regarding the actions he took to discredit the election and prevent the results from being certified. Mr. Navarro made a blanket claim of executive privilege. This claim lacks merit as a matter of law and common sense.

No President, either sitting or former, has claimed privilege regarding Mr. Navarro's testimony or documents. And Mr. Navarro has no authority to assert privilege himself.

Beyond that fundamental flaw, since the election, Mr. Navarro has written and spoken widely about the subjects that are the focus of our subpoena. He is eager to tell his story, if he can do so on his terms in a way that serves his interests.

He published a book where he details the actions he took to change the outcome of the election. He writes that he worked with Steve Bannon on a scheme called the "Green Bay Sweep." Its purpose was to encourage Vice President Pence to delay certification of the votes and send the election back to State legislatures.

Mr. Navarro writes that he called Attorney General Barr, urging the Department of Justice to support President Trump's efforts to challenge the election in court, which Barr declined to do.

Mr. Navarro notes that he kept a journal detailing this episode and other actions he took.

And finally, while he was refusing to comply with our subpoena, Mr. Navarro made numerous media appearances discussing his role in the events culminating on January 6.

Mr. Navarro has significant relevant knowledge. He is happy to share it on television and in podcasts, but he won't provide this information in response to a lawful subpoena.

Mr. Navarro is in contempt of Congress and should be referred for prosecution.

Mr. BANKS. Madam Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS.)

Mr. RODNEY DAVIS of Illinois. Madam Speaker, 15 months have passed since January 6 of 2021, yet I have seen little evidence over that time to indicate the necessary progress has been made to ensure the Capitol complex is more secure.

And I have seen no evidence that the politicized select committee is serious about identifying or addressing the issues that led to our Capitol being so unprepared on that day, which should be its top priority.

On February 17 of this year, the GAO released a report detailing the lack of security preparedness by Capitol Police leadership and the Capitol Police Board on and in the lead-up to January 6. The rank-and-file men and women who serve Congress as members of the Capitol Police put their lives on the line every day. Yet, the Capitol Police Board, controlled by Speaker PELOSI, failed them. They deserve better.

Instead of working to ensure our Capitol Police officers have the tools and the training they need to prevent another event like January 6 or taking long-overdue steps to reform the Capitol Police Board, the House is once again voting on a contempt resolution because two individuals are not complying with another sham subpoena issued by House Democrats.

I have a newsflash for members of the Select Committee: You do not have limitless power. You cannot demand testimony, documents, or even view the information of your political opponents without their consent or without the law on your side. You have neither.

Specifically, Mr. Scavino and Mr. Navarro are unable to testify on specific topics that are related to their work in the White House, nor can they testify on communications between President Trump and the President's closest advisers, as those communications are protected under President Trump's claim of executive privilege.

As a reminder, the American taxpayer is spending millions of dollars on this select committee. According to *The Washington Post*, the select committee is on pace to spend \$9.3 million by the end of December.

To put that into perspective, that amount exceeds the current budgets for the Committees on the Judiciary; Agriculture; Budget; Ethics; the Committee on House Administration; Rules; Science, Space, and Technology; Small Business; Natural Resources; Homeland Security; Veterans' Affairs; and the Permanent Select Committee on Intelligence.

That is right, this select committee is using more taxpayer resources on their partisan investigation than Democrats have devoted to serving veterans, addressing rising prices in inflation, or helping our farmers during a massive supply chain crisis.

This is nothing more than a sham investigation full of misuses of congressional authority, including Speaker PELOSI violating 230 years of precedent by refusing to allow the minority party

to select its own committee members, failing to investigate pursuant to a valid legislative purpose, altering evidence to fit a certain narrative, lying to witnesses, falsely accusing witnesses, violating deponents' right to challenge subpoenas, and perhaps above all, refusing to investigate why Speaker PELOSI and the Capitol Police Board left the Capitol so unprotected that day.

I urge my colleagues to oppose the resolution.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from Virginia (Mrs. LURIA), a veteran of the United States Navy.

Mrs. LURIA. Madam Speaker, I have come to the floor many times over the last 3 years and discussed the oath of office. The oath to protect and defend our Constitution against all enemies foreign and domestic.

Every Member of this body swore that oath, and it is the same oath that our President and military officers, including those like Mr. BANKS, swear in service to our Nation.

That is service.

When an American enlists or commissions in our Armed Forces, or when someone takes elected office, or even a senior position in the executive branch, they do so to serve the American people.

Mr. Scavino and Mr. Navarro had the duty to serve the American people. Unfortunately, they instead chose to serve the interests of one man, who sought to advance his own agenda at the peril of American democracy.

They now have the duty to respond to the subpoenas of this committee, but they have apparently decided that they are above the law.

The American people deserve the truth about the attack that attempted to prevent the peaceful transition of power, and the committee is united in our duty to investigate.

This committee has conducted over 800 voluntary depositions and interviews, with more scheduled, including witnesses who worked in the previous administration and even close family members of the former President.

The committee has received nearly 90,000 documents pertaining to January 6, and we followed up over 435 tips received through the committee's tip line.

Hundreds of witnesses have voluntarily come forward and cooperated with our investigation, but Mr. Scavino and Mr. Navarro have refused to do their part.

They have been given every opportunity to come forward, yet they have attempted to obstruct the pursuit of justice and to stonewall the committee's work and conceal the truth, despite both publicly acknowledging their roles in promoting election fraud conspiracies and counseling the former President on changing the outcome of the election.

Mr. MEADOWS, and today Mr. Scavino and Mr. Navarro, my question remains:

What are you covering up, and who are you covering for?

Their failure to answer that question about January 6 is disregarding the law, and they should be held accountable. That is why I will vote, and I will urge my colleagues to vote to hold Mr. Navarro and Mr. Scavino in contempt of Congress.

Ms. CHENEY. Madam Speaker, I yield myself such time as I may consume.

I think it is again very important as our colleagues are contemplating their vote on this resolution that they keep in mind the facts. And we are hearing a number of things that are not consistent with the facts.

First of all, with respect to the establishment of the committee, Mr. DAVIS knows, and my colleagues know that we initially attempted to have a bipartisan commission, which, in fact, Leader MCCARTHY instructed Mr. KATKO to negotiate with Chairman THOMPSON. Mr. KATKO did that, secured everything the Republicans asked for, at which point, Mr. MCCARTHY walked away from the bipartisan commission, and then went over to the Senate side and lobbied against the establishment of a bipartisan commission.

The establishment of the select committee, again, is not what we would have hoped. The 35 Republicans who voted for the bipartisan commission wanted a bipartisan outside commission, but we cannot let this attack go uninvestigated.

Mr. DAVIS also knows that with respect to the membership of the committee, Speaker PELOSI said that she would not name two Members who had been identified by Mr. MCCARTHY; that is completely consistent with the resolution. And Mr. MCCARTHY then himself withdrew the other three and determined that he would not participate.

Finally, Madam Speaker, I continue to hear this allegation that the committee is not investigating what happened at the Capitol, not investigating what happened with respect to the Capitol Police, not investigating what happened with respect to security that day. That is just not true. The committee has an entire team that is very focused on and investigating what happened with respect to security at the Capitol.

And it is also the case, though, Madam Speaker, we must all remember that the former President provoked a violent assault on this body, and the extent to which there were security lapses, the extent to which people did not anticipate that there would be a violent assault on the Capitol, provoked by the former President, is not the fault of the Capitol Police. That is the responsibility of the former President.

And I would also note, Madam Speaker, that Mr. DAVIS voted "yes" on the bipartisan commission when it came up.

Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. RASKIN), my good friend and colleague.

Mr. RASKIN. Madam Speaker, I want to underscore first the point that was just made by Ms. CHENEY. The distinguished ranking member of the House Administration Committee was appointed to this committee, or the appointment was accepted by Speaker PELOSI, but it was withdrawn by the minority leader. It was not rejected by the majority; it was rejected by the minority.

Madam Speaker, we are here in the broadest sense to defend American democratic institutions and the rule of law. And our colleague said before that if this investigation were valid, then we would be talking to officials from the Sergeant at Arms Office and the National Guard.

Well, I have got good news for my friends. First, every court that has looked at their claim that this is an invalid investigation either because of its composition or because it was intrinsically flawed in its pursuit of the facts about January 6, has rejected those arguments. Every court that looked at it has rejected the precise arguments our colleagues are floating on the floor today.

But I will go even further than that. We have, in fact, interviewed precisely the people that they set up as a test for the validity of our investigation from the Sergeant at Arms and the National Guard. And as patriotic public officials living out their oaths of office and not bowing down to the humiliating cult of Donald Trump, they didn't need a subpoena from this committee; they came voluntarily. They not only understood their legal duty to testify, a duty our colleagues, like my friend, the gentleman from Ohio, clearly understands when they wield the gavel, but they have come forward and said that it is a patriotic honor for them. It is not just a legal duty, it is a patriotic honor for them to render truthful testimony on this horrific attack against America, which interrupted the counting of electoral college votes for the first time in American history.

□ 1745

This is mandated in the 12th Amendment to the Constitution, which says that the House and the Senate must meet in joint session in order to count electoral college votes the first week of January, on the Wednesday following a Presidential election.

What is remarkable to me is that the caucus that is now so drenched in the Trump-Putin propaganda is not just trying to denounce the Democrats for searching the truth right now. Today, they have begun the utterly cannibalistic process of vilifying and castigating Republicans just because they disagree with the orthodoxy, the dogma handed down by Donald Trump.

Ms. CHENEY is the former chair of the House Republican Conference, and it is left to Democrats to defend her against

the vilification and the castigating that we hear.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. CHENEY. I yield the gentleman an additional 30 seconds.

Mr. RASKIN. It is up to us to defend Mr. KINZINGER and to defend Ms. CHENEY, because if you don't go along with what Donald Trump says, if you don't act like you are a robot, or a member of a religious cult, they will attack you, they will vilify you, they will denounce you.

These people, Mr. KINZINGER and Ms. CHENEY, are constitutional heroes, and they don't deserve your contempt. The insurrectionists and the lawbreakers deserve your contempt because they are acting in contempt of the rule of law and the Constitution of the United States.

Mr. BANKS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. JACKSON).

Mr. JACKSON. Madam Speaker, I thank my colleague from Indiana for the time.

Madam Speaker, I rise today to speak about two great patriots who I am proud to call my friends, Dan Scavino and Peter Navarro. These two men have served our country honorably. Sadly, they are now targets of the political witch hunt simply because they served our country and they are loyal to our great former President, Donald J. Trump.

The illegitimate January 6th Committee's ruthless crusade against President Trump and his close allies is yet another smear on this great body. It will go down in history as another failed attempt by my colleagues on the other side of the aisle to bring down good people simply because they disagree with their political beliefs.

As someone who has been a target of the left and their ruthless tactics in the past, I know firsthand how damaging this can be. The American people are tired of this partisan January 6 circus. It is time to stop this nonsense now.

I urge my colleagues to stand up against this charade and oppose this baseless resolution.

Mr. THOMPSON of Mississippi. Madam Speaker, I reserve the balance of my time.

Ms. CHENEY. Madam Speaker, I reserve the balance of my time.

Mr. BANKS. Madam Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN. Madam Speaker, I thank the gentleman for yielding.

The majority leader, just a few minutes ago said—used the term “danger to our democracy.” Danger to our democracy.

Think about this. Democrats have closed the Capitol, allowed proxy voting, kicked Republicans off committees, won't let Republicans serve on this select committee—the first time in the history of the Congress the minority leader was not allowed to put on

a select committee the individuals he or she selected; first time in the history of our Nation.

The Democrats are trying to end the electoral college; trying to end the filibuster; trying to pack the Court.

This committee, the January 6th Committee, altered evidence and presented it to the American people as if it were true. And they accuse us of being a danger to our democracy?

Mr. GAETZ was right. We have got a border that is complete chaos. We have \$6 gas in California, \$4 gas everywhere else in the country. We have crime at record levels in every major urban area in this Nation. And we have an inflation problem that is at a 40-year high.

And this committee has more contempt resolutions for a purely political reason. I think the whole committee is pure political, designed to do one thing; keep President Trump off the ballot in 2024.

The gentlewoman from Wyoming, in her opening comments, used the term, “false message.” False message. She used to say big lie. Now I guess it is false message. When she said it, I started jotting things down.

Think about all the false messages we have got from them in the last few years. They told us the protests in the summer of 2020 were peaceful. We got a billion dollars' worth of damage around our cities that says it wasn't.

They told us the dossier was real. They told us it was Republicans, Republicans who wanted to defund the police. That one is almost laughable, if it wasn't so serious for our law enforcement and for the families who live in those areas where mayors and city councils did defund the police.

They told us the FBI didn't spy on the Trump campaign. We know that wasn't true. We have got inspectors general reports that tell us all kinds of things of what they did in front of the FISA Court.

They said Trump colluded with Russia. We have got a Mueller report, 19 lawyers, 40 FBI agents, 30 million hard-earned American tax dollars in that report that said that false message was just that, false.

They told us COVID didn't start in the lab; sure looks like it did.

They told us the lab wasn't doing gain-of-function research; sure looks like it was.

They told us the vaccinated can't get it. We know that is wrong. Every day there is a new announcement: Member of Congress is getting it; fully vaccinated, boosted, and everything else.

They told us those who are vaccinated can't transmit it. They told us that was wrong.

And you talk about the biggest false message, the biggest false message that has just been confirmed in the last week, how false it was? The Hunter Biden laptop was Russian disinformation. The Hunter Biden laptop was Russian disinformation.

October 22, 2020, 2 weeks before the election, Candidate Biden, in a debate,

is asked about his son's business dealings with foreign companies. He says: "Nothing was unethical." He said: My son has not made money with business interests—with companies with an interest in China.

And we all know there are 4.8 million reasons why that statement was not accurate. And how do we know? Washington Post told us. Not me, not President Trump, not Republicans. The Washington Post told us last week, two stories last week, a week ago today, one at 11 a.m., one at 11:04 a.m.; two eight-page articles, 4 minutes apart, confirming what we knew, but what big media, big tech, Democrats colluded to keep from the American people just days before, just days before the most important election we have, the Presidential election, who is going to be our next Commander in Chief.

The laptop was real. The eyewitness was real. The emails were real. The only thing fake was that collusion from those individuals, those entities to keep important information from we, the people, in the run-up to the most important election we have.

And oh, by the way, they were joined by 51 former intel officials, joined in the collusion.

You know what is also interesting? It is funny how that story has changed. Eighteen months ago, it started off, it wasn't his laptop. It quickly switched to well, it was his laptop, but it was Russian disinformation.

And now it is, well, it wasn't Russian disinformation, but Joe Biden had nothing to do with it. Now it was, well, Joe knew what was going on, but he wasn't really involved in anything wrong. Ron Klain told us that, the Chief of Staff told us that Sunday.

We need to be focusing on the issues that the American people want us to focus on. You want to talk about danger to our democracy and the biggest false message. I would say what happened—one of the biggest dangers to our democracy and one of the biggest false messages is what happened 18 months ago, where that story was kept from the American people. We could dig into that, find out what went on there, why that happened.

And we could also focus on the record crime, record inflation, record price of gas, and the chaos on our southern border that is about to get worse.

The SPEAKER pro tempore (Mr. PARNETTA). The time of the gentleman has expired.

Mr. BANKS. I yield the gentleman an additional 30 seconds.

Mr. JORDAN. It is about to get worse as the Democrats look to—as the Biden administration looks to repeal title 42. I urge a "no" vote.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further speakers, and I am prepared to close. I reserve the balance of my time.

Ms. CHENEY. Mr. Speaker, I have no further speakers. I am prepared to close. I reserve the balance of my time.

Mr. BANKS. Mr. Speaker, I am prepared to close. I yield myself the balance of my time.

Mr. Speaker, it might feel really good today for my opponents on the other side of the aisle. It might feel really good in a vindictive sort of way, to vote to put their political opponents behind bars. That might feel really good for my opponents across the aisle.

But I guarantee you, the history will not look back kindly on those actions in the years to come. I guarantee it. It couldn't be anymore un-American what they want to do today, to vote to put two men behind bars purely because they disagree with their politics and the man that they worked for.

I can't think of a bigger reason for my opponents to vote "no" on such an un-American resolution. I urge all of my colleagues to vote "no" and do the same.

Mr. Speaker, I yield back the balance of my time.

Ms. CHENEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it does not feel really good today. It feels sad, and it feels tragic that so many in my own party are refusing to address the constitutional crisis and the challenge that we face.

The ranking member of the Judiciary Committee went to law school. I am not sure if he passed the bar. But he knows that we all have an obligation to abide by the rulings of the courts.

So, yes, it was a false story. Yes, it was a big lie. In fact, former Vice President Pence has said that what President Trump wanted him to do was "un-American." It was also unconstitutional, and it was illegal.

Mr. Speaker, what gives me tremendous hope though is although so many in my party in this body have put loyalty to Donald Trump ahead of their oath to the Constitution, the committee has interviewed scores of Republicans from around the country who, in fact, have shown the kind of tremendous bravery and dedication to public service that every American can be proud of: Republicans who were appointed by President Trump to posts in the Department of Justice; Republicans who stood firm; Republicans who threatened to resign and who refused to participate in President Trump's efforts to corrupt the Department of Justice with the stolen election lies—yes, lies—that led to January 6.

We have heard from Republicans serving in State legislatures, in State and local governments who also stood firm.

Mr. Speaker, it is crucially important that this body hold these gentlemen in contempt. It is crucially important that they have to abide by their subpoena.

I urge a "yes" vote, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me say for the record, if there is any Member on the other side who feels the strength to come and testify before our committee,

I invite them, right now, to let us know and we will gladly entertain whatever information they have as to what happened on January 6. Some of them ran out of this building fearing for their lives, so there is no question that something happened.

And H. Res. 503 says, absolutely, we have to find the facts and circumstances as to what happened and why and make recommendations; and that is what we have to do.

We have the constitutional power to issue subpoenas. If people do not follow subpoenas, we have the right to bring them before this body and recommend contempt citations; and that is what we are doing today.

So it doesn't matter if they were a father, a mother, a sister, or a brother, had children; if they break the law, they break the law. No one is above the law, and that is the point we are trying to make.

We asked the individuals, subpoenaed them to come before the committee, and they chose not to come and, therefore, they broke the law, and that is why we are here today.

So, Mr. Speaker, as I have mentioned, when I testified before the Rules Committee, it is absurd that there should be any disagreement at all about why we are here for this contempt resolution.

If you listen to the arguments from some of my friends on the other side, they have very little to say of substance of this matter. We hear excuses. We hear attacks about process. We hear scare-mongering about the select committee.

Let me remind my colleagues, we have conducted over 830 interviews and depositions. And again, I invite any of them to come talk to us if they want to. Now, if, for some reason, they are reluctant or afraid, then I feel sorry for them.

Our constitutional democracy was challenged on January 6. We have to fix this. Over 200 years, we have operated in complete freedom, and all of a sudden, this institution was attacked; and we have to fix that.

□ 1800

We are the number one democracy in the world, but we lead by example. Democrats are leading by example. The select committee is leading by example by bringing these two gentlemen who broke the law, who decided that it is better to deal with the law of Donald Trump rather than the Constitution of the United States of America.

Mr. Speaker, I thank my colleagues, especially my friend from Wyoming (Ms. CHENEY).

Mr. Speaker, I urge every Member to support adoption of this resolution, and I yield back the balance of my time.

Mr. SCHIFF. Mr. Speaker, I rise today in support of a simple, but sacred principle: No one is above the law.

Peter Navarro was one of the former president's closest allies. And, by his own admission, played a direct role in planning and coordinating the events of January 6. He speaks

to that role on television, on podcasts, and even in his own book—yet he refuses to do so before Congress, even when compelled by a lawful subpoena. That is unjustifiable, and in light of the subpoena, a criminal form of contempt.

Dan Scavino was similarly close to the former president—and similarly involved in the events leading up to and on January 6. Mr. Scavino played an intimate role in crafting former President Trump's social media strategy and served as his Deputy Chief of Staff for Communications. And, like Mr. Navarro, he was called before our committee because our evidence and public reporting, suggests he possesses direct, personal knowledge of the events leading up to January 6, and while the Capitol was under siege.

Unfortunately, both Mr. Navarro and Mr. Scavino have chosen at every turn to obstruct, to conceal their knowledge, forgoing their legal duty to comply with a congressional subpoena and attempting instead to hide behind spurious claims of privilege.

But let me be clear: There is no privilege that allows a witness to simply refuse to appear. President Biden has declined to assert any privilege and properly concluded that the national interests in hearing the testimony of Navarro and Scavino clearly outweigh any other consideration. And there is certainly no privilege that allows a witness to refuse to appear before Congress while sitting for press interviews or discussing the matter in a book.

I urge all of my colleagues to vote in favor of this resolution. To do otherwise would set a dangerous precedent: That Congress is not a body that is capable of, or willing to, carry out meaningful oversight. That our subpoenas can be shrugged off or ignored. And that the American people can no longer have faith in our ability to investigate potential abuses of power by any president—past, present, or future.

As Judge Carter said last week in his ruling, 'If the country does not commit to investigating and pursuing accountability for those responsible, the Court fears January 6 will repeat itself.' He is right. We must commit to the pursuit of accountability and justice. Not as Democrats or Republicans, but as Americans who love and cherish our democracy.

And I will take just one more moment to urge the Department of Justice to act with all due haste when they receive the criminal contempt referrals for Mr. Scavino and Mr. Navarro. And not just with respect to these referrals, but on any evidence of criminality connected to efforts to overturn the election. The rule of law must apply equally to all Americans, including former presidents. To do otherwise, risks another repetition of January 6th—or worse.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the resolution.

The SPEAKER pro tempore. The question is on adoption of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BANKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-

minute vote on adoption of the resolution will be followed by 5-minute votes on:

Ordering the previous question on House Resolution 1033;

Adoption of House Resolution 1033, if ordered; and

The motion to suspend the rules and pass H.R. 7276.

The vote was taken by electronic device, and there were—yeas 220, nays 203, not voting 6, as follows:

[Roll No. 118]

YEAS—220

Adams	Garcia (IL)	O'Halleran
Aguilar	Garcia (TX)	Ocasio-Cortez
Alfred	Golden	Omar
Auchincloss	Gomez	Pallone
Axne	Gonzalez,	Panetta
Barragan	Vicente	Pappas
Bass	Gottheimer	Pascarella
Beatty	Green, Al (TX)	Payne
Bera	Grijalva	Perlmutter
Beyer	Harder (CA)	Peters
Bishop (GA)	Hayes	Phillips
Blumenauer	Higgins (NY)	Pingree
Blunt Rochester	Himes	Pocan
Bonamici	Horsford	Porter
Bourdeaux	Houlihan	Pressley
Bowman	Hoyer	Price (NC)
Boyle, Brendan	Huffman	Quigley
F.	Jackson Lee	Raskin
Brown (MD)	Jacobs (CA)	Rice (NY)
Brown (OH)	Jayapal	Ross
Brownley	Jeffries	Roybal-Allard
Bush	Johnson (TX)	Ruiz
Bustos	Jones	Ruppersberger
Butterfield	Kahele	Rush
Carbajal	Kaptur	Ryan
Cárdenas	Keating	Sánchez
Carson	Kelly (IL)	Sarbanes
Carter (LA)	Khanna	Scanlon
Cartwright	Kildee	Schakowsky
Case	Kim (NJ)	Schiff
Casten	Kind	Schneider
Castor (FL)	Kinzinger	Schrader
Castro (TX)	Kirkpatrick	Schrier
Cheney	Krishnamoorthi	Scott (VA)
Cherfilus-	Kuster	Scott, David
McCormick	Lamb	Sewell
Chu	Langevin	Sherman
Cicilline	Larsen (WA)	Sherrill
Clark (MA)	Larson (CT)	Sires
Clarke (NY)	Lawrence	Slotkin
Cleaver	Lawson (FL)	Smith (WA)
Clyburn	Lee (CA)	Soto
Cohen	Lee (NV)	Spanberger
Connolly	Leger Fernandez	Speier
Cooper	Levin (CA)	Stansbury
Correa	Levin (MI)	Stanton
Costa	Lieu	Stevens
Courtney	Lofgren	Strickland
Craig	Lowenthal	Suozzi
Crist	Luria	Swalwell
Crow	Lynch	Takano
Cuellar	Malinowski	Thompson (CA)
Davids (KS)	Maloney,	Thompson (MS)
Davis, Danny K.	Carolyn B.	
Dean	Maloney, Sean	
DeFazio	Manning	
DeGette	Matsui	
DeLauro	McBath	
DelBene	McCollum	
Delgado	McEachin	
Demings	McGovern	
DeSaulnier	McNerney	
Deutch	Meeks	
Dingell	Meng	
Doggett	Mfume	
Doyle, Michael	Moore (WI)	
F.	Morelle	
Escobar	Moulton	
Eshoo	Mrvan	
Espallat	Murphy (FL)	
Evans	Nadler	
Fletcher	Napolitano	
Foster	Neal	
Frankel, Lois	Neguse	
Gallego	Newman	
Garamendi	Norcross	

NAYS—203

Aderholt	Armstrong	Babin
Amodei	Arrington	Bacon

Baird	Gosar	Moore (AL)
Balderson	Granger	Moore (UT)
Banks	Graves (LA)	Mullin
Barr	Graves (MO)	Murphy (NC)
Bentz	Green (TN)	Nehls
Bergman	Greene (GA)	Newhouse
Bice (OK)	Griffith	Norman
Biggs	Grothman	Oberholte
Billakis	Guthrie	Owens
Bishop (NC)	Harris	Palazzo
Boebert	Harshbarger	Palmer
Brady	Hartzler	Pence
Brooks	Hern	Perry
Buchanan	Herrell	Pfuger
Buck	Herrera Beutler	Posey
Bucshon	Hice (GA)	Reed
Budd	Higgins (LA)	Reschenthaler
Burchett	Hill	Rice (SC)
Burgess	Hinson	Rodgers (WA)
Calvert	Hollingsworth	Rogers (AL)
Cammack	Hudson	Rogers (KY)
Carey	Huizenga	Rose
Carl	Issa	Rosendale
Carter (GA)	Jackson	Rouzer
Carter (TX)	Jacobs (NY)	Roy
Cawthorn	Johnson (LA)	Rutherford
Chabot	Johnson (OH)	Salazar
Cline	Johnson (SD)	Scalise
Cloud	Jordan	Schweikert
Clyde	Joyce (OH)	Scott, Austin
Cole	Joyce (PA)	Sessions
Comer	Katko	Simpson
Crawford	Keller	Smith (MO)
Crenshaw	Kelly (MS)	Smith (NE)
Curtis	Kelly (PA)	Smith (NJ)
Davidson	Kim (CA)	Smucker
Davis, Rodney	Kustoff	Spartz
DesJarlais	LaHood	Stauber
Diaz-Balart	LaMalfa	Steel
Donalds	Lamborn	Stefanik
Duncan	Latta	Steil
Ellzey	LaTurner	Steube
Emmer	Lesko	Stewart
Estes	Letlow	Taylor
Fallon	Long	Tenney
Feenstra	Loudermilk	Thompson (PA)
Ferguson	Lucas	Tiffany
Fischbach	Luetkemeyer	Timmons
Fitzgerald	Mace	Turner
Fitzpatrick	Malliotakis	Upton
Fleischmann	Mann	Valadao
Fox	Massie	Van Drew
Franklin, C.	Mast	Van Dyne
Scott	McCarthy	Wagner
Fulcher	McCauley	Walberg
Gaetz	McClain	Walorski
Gallagher	McClintock	Waltz
Garbarino	McHenry	Weber (TX)
Garcia (CA)	McKinley	Webster (FL)
Gibbs	Meijer	Wenstrup
Gimenez	Meuser	Westerman
Gohmert	Miller (IL)	Williams (TX)
Gonzales, Tony	Miller (WV)	Wilson (SC)
Gonzalez (OH)	Miller-Meeks	Wittman
Good (VA)	Moolenaar	Womack
Gooden (TX)	Mooney	Zeldin

NOT VOTING—6

Allen	Dunn	Johnson (GA)
Bost	Guest	Kilmer

□ 1837

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bass (Beyer)	Crawford	Johnson (TX)
Billakis	(Fleischmann)	(Jeffries)
(Fleischmann)	Crist (Soto)	Joyce (OH)
Blumenauer	Cuellar (Correa)	(Garbarino)
(Beyer)	Doyle, Michael	Kahele (Mrvan)
Bowman (Evans)	F. (Evans)	Kirkpatrick
Cárdenas (Soto)	Gohmert (Weber	(Pallone)
(TX))	(TX))	Lawson (FL)
Castro (TX)	Gomez (Soto)	(Evans)
(Correa)	Gottheimer	Long
Cawthorn (Gaetz)	(Pallone)	(Fleischmann)
Clark (MA)	Grijalva	McCauley (Kim
(Blunt	(Stanton)	(CA))
Rochester)	Harder (CA)	Meeks (Jeffries)
Connolly	(Correa)	Mfume (Evans)
(Wexton)	Huffman	Newman (García
Cooper (Correa)	(Stanton)	(IL))

Owens (Tenney)
Payne (Pallone)
Peters (Jeffries)
Porter (Wexton)
Price (NC)
(Butterfield)

Roybal-Allard
(Pallone)
Rush (Evans)
Schiff (Beyer)
Scott, David
(Jeffries)
Sires (Pallone)

Steube (Donalds)
Suozzi (Beyer)
Taylor (Jackson)
Wasserman
Schultz (Soto)
Watson Coleman
(Pallone)

PROVIDING FOR CONSIDERATION OF H.R. 3807, RESTAURANT REVI- TALIZATION FUND REPLENISH- MENT ACT OF 2021

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on the resolution (H. Res. 1033) providing for consideration of the bill (H.R. 3807) to amend the American Rescue Plan Act of 2021 to increase appropriations to the Restaurant Revitalization Fund, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 206, not voting 2, as follows:

[Roll No. 119]

YEAS—221

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan
F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Cherfilus-
McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio

DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Escobar
Eshoo
Español
Evans
Fletcher
Foster
Frankel, Lois
Gaetz
Gallego
Garamendi
Garcia (IL)
Garcia (TX)
Golden
Gomez
Gonzalez,
Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick

Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney,
Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascarell
Payne
Perlmutter
Peters
Phillips
Pingree

Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier

Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus

Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Velázquez
Wasserman
Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—206

Aderholt
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Clyde
Cole
Comer
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Foxy
Franklin, C.
Scott
Fulcher
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez

Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guthrie
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kinzinger
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)

Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Oberholte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reed
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Staubert
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Walorski
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Zeldin

NOT VOTING—2

Allen Guest

The result of the vote was announced as above recorded.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bass (Beyer)
Bilirakis
(Fleischmann)
Blumenauer
(Beyer)
Bowman (Evans)
Cárdenas (Soto)
Castro (TX)
(Correa)
Cawthorn (Gaetz)
Clark (MA)
(Blunt)
Rochester)
Connolly
(Wexton)
Cooper (Correa)
Crawford
(Fleischmann)
Crist (Soto)
Cuellar (Correa)
(Evans)
Doyle, Michael
F. (Evans)
Gohmert (Weber
(TX))

Gomez (Soto)
Gottheimer
(Pallone)
Grijalva
(Stanton)
Harder (CA)
(Correa)
Huffman
(Stanton)
Johnson (TX)
(Jeffries)
Joyce (OH)
(Garbarino)
Kahele (Mrvan)
Kilmer (Larsen
(WA))
Kirkpatrick
(Pallone)
Lawson (FL)
(Evans)
Long
(Fleischmann)
McCaul (Kim
(CA))

Meeks (Jeffries)
Mfume (Evans)
Newman (Garcia
(IL))
Owens (Tenney)
Payne (Pallone)
Peters (Jeffries)
Porter (Wexton)
Price (NC)
(Butterfield)
Roybal-Allard
(Pallone)
Rush (Evans)
Schiff (Beyer)
Scott, David
(Jeffries)
Sires (Pallone)
Steube (Donalds)
Suozzi (Beyer)
Taylor (Jackson)
Wasserman
Schultz (Soto)
Watson Coleman
(Pallone)

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. FISCHBACH. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 206, not voting 5, as follows:

[Roll No. 120]

YEAS—218

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan
F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Cherfilus-
McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio

Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Escobar
Eshoo
Español
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
Garcia (IL)
Garcia (TX)
Golden
Gomez
Gonzalez,
Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)

Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney,
Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler

Napolitano Ruiz
Neal Ruppersberger
Neguse Rush
Newman Ryan
Norcross Sánchez
O'Halleran Sarbanes
Ocasio-Cortez Scanlon
Omar Schakowsky
Pallone Schiff
Panetta Schneider
Pappas Schrader
Pascrell Schrier
Payne Scott (VA)
Perlmutter Scott, David
Peters Sewell
Phillips Sherman
Pingree Sherrill
Pocan Sires
Porter Smith (WA)
Pressley Soto
Price (NC) Spanberger
Quigley Speier
Raskin Stanton
Rice (NY) Stevens
Ross Strickland
Roybal-Allard Suozzi

NAYS—206

Aderholt Gimenez
Amodei Gohmert
Armstrong Gonzales, Tony
Arrington Good (VA)
Babin Gooden (TX)
Bacon Gosar
Baird Granger
Balderson Graves (LA)
Banks Graves (MO)
Barr Green (TN)
Bentz Greene (GA)
Bergman Griffith
Bice (OK) Grothman
Biggs Guthrie
Bilirakis Harris
Bishop (NC) Harshbarger
Boebert Hartzler
Bost Hern
Brady Herrell
Brooks Herrera Beutler
Buchanan Hice (GA)
Buck Higgins (LA)
Bucshon Hill
Budd Hinson
Burchett Hollingsworth
Burgess Hudson
Calvert Huizenga
Cammack Issa
Carey Jackson
Carl Jacobs (NY)
Carter (GA) Johnson (LA)
Carter (TX) Johnson (OH)
Cawthorn Johnson (SD)
Chabot Jordan
Cheney Joyce (OH)
Cline Joyce (PA)
Cloud Katko
Clyde Keller
Cole Kelly (MS)
Comer Kelly (PA)
Crawford Kim (CA)
Crenshaw Kustoff
Curtis LaHood
Davidson LaMalfa
Davis, Rodney Lamborn
DesJarlais Latta
Diaz-Balart LaTurner
Donalds Lesko
Duncan Letlow
Dunn Long
Ellzey Loudermilk
Emmer Lucas
Estes Luetkemeyer
Fallon Mace
Feenstra Malliotakis
Ferguson Mann
Fischbach Massie
Fitzgerald Mast
Fitzpatrick McCarthy
Fleischmann McCaul
Foxy McClain
Franklin, C. McClintock
Scott McHenry
Fulcher McKinley
Gaetz Meijer
Gallagher Meuser
Garbarino Miller (IL)
Garcia (CA) Miller (WV)
Gibbs Miller-Meeks

Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Velázquez
Wasserman
Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Obernolte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reed
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Walorski
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Zeldin

NOT VOTING—5

Allen Guest
Gonzalez (OH) Kinzinger
Stansbury

□ 1854

So the resolution was agreed to.
The result of the vote was announced
as above recorded.

A motion to reconsider was laid on
the table.

MEMBERS RECORDED PURSUANT TO HOUSE
RESOLUTION 8, 117TH CONGRESS

Bass (Beyer)	Gomez (Soto)	Meeks (Jeffries)
Bilirakis	Gottheimer	Mfume (Evans)
(Fleischmann)	(Pallone)	Newman (Garcia
Blumenauer	Grijalva	(IL))
(Beyer)	(Stanton)	Owens (Tenney)
Bowman (Evans)	Harder (CA)	Payne (Pallone)
Cárdenas (Soto)	(Correa)	Peters (Jeffries)
Castro (TX)	Huffman	Porter (Wexton)
(Correa)	(Stanton)	Price (NC)
Cawthorn (Gaetz)	Johnson (TX)	(Butterfield)
Clark (MA)	(Jeffries)	Roybal-Allard
(Blunt)	Joyce (OH)	(Pallone)
Rochester)	(Garbarino)	Rush (Evans)
Connolly	Kahele (Mrvan)	Schiff (Beyer)
(Wexton)	Kilmer (Larsen	Scott, David
Cooper (Correa)	(WA))	(Jeffries)
Crawford	Kirkpatrick	Sires (Pallone)
(Fleischmann)	(Pallone)	Steube (Donalds)
Crist (Soto)	Lawson (FL)	Suozzi (Beyer)
Cuellar (Correa)	(Evans)	Taylor (Jackson)
Doyle, Michael	Long	Wasserman
F. (Evans)	(Fleischmann)	Schultz (Soto)
Gohmert (Weber	McCaul (Kim	Watson Coleman
(TX))	(CA))	(Pallone)

UKRAINE INVASION WAR CRIMES
DETERRENCE AND ACCOUNT-
ABILITY ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 7276) to direct the President to submit to Congress a report on United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and any other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 7, not voting 4, as follows:

[Roll No. 121]

YEAS—418

Adams	Bera	Brown (OH)
Aderholt	Bergman	Brownley
Aguilar	Beyer	Buchanan
Allred	Bice (OK)	Buck
Amodei	Bilirakis	Bucshon
Armstrong	Bishop (GA)	Budd
Arrington	Bishop (NC)	Burchett
Auchincloss	Blumenauer	Burgess
Axne	Blunt Rochester	Bush
Babin	Boebert	Bustos
Bacon	Bonamici	Butterfield
Baird	Bost	Calvert
Balderson	Bourdeaux	Cammack
Banks	Bowman	Carbajal
Barr	Boyle, Brendan	Cárdenas
Barragán	F.	Carey
Bass	Brady	Carl
Beatty	Brooks	Carson
Bentz	Brown (MD)	Carter (GA)

Carter (LA)	Green (TN)	McCarthy
Carter (TX)	Green, Al (TX)	McCaul
Cartwright	Griffith	McClain
Case	Grijalva	McClintock
Casten	Grothman	McCollum
Castor (FL)	Guthrie	McEachin
Castro (TX)	Harder (CA)	McGovern
Cawthorn	Harris	McHenry
Chabot	Harshbarger	McKinley
Cherfilus-	Hartzler	McNerney
McCormick	Hayes	Meeks
Chu	Hern	Meijer
Cicilline	Herrell	Meng
Clark (MA)	Herrera Beutler	Meuser
Clarke (NY)	Hice (GA)	Mfume
Cleaver	Higgins (LA)	Miller (IL)
Cline	Higgins (NY)	Miller (WV)
Cloud	Hill	Miller-Meeks
Clyburn	Himes	Moolenaar
Clyde	Hinson	Mooney
Cohen	Hollingsworth	Moore (AL)
Cole	Horsford	Moore (UT)
Comer	Houlihan	Moore (WI)
Connolly	Hoyer	Morelle
Cooper	Hudson	Moulton
Correa	Huffman	Mrvan
Costa	Huizenga	Mullin
Courtney	Issa	Murphy (FL)
Craig	Jackson	Murphy (NC)
Crawford	Jackson Lee	Nadler
Crenshaw	Jacobs (CA)	Napolitano
Crist	Jacobs (NY)	Neal
Crow	Jayapal	Neguse
Cuellar	Jeffries	Nehls
Curtis	Johnson (GA)	Newhouse
Davids (KS)	Johnson (LA)	Newman
Davis, Danny K.	Johnson (OH)	Norcross
Davis, Rodney	Johnson (SD)	Norman
Dean	Johnson (TX)	O'Halleran
DeFazio	Jones	Obernolte
DeGette	Jordan	Ocasio-Cortez
DeLauro	Joyce (OH)	Omar
DelBene	Joyce (PA)	Owens
Delgado	Kahele	Palazzo
Demings	Kaptur	Pallone
DeSaulnier	Katko	Palmer
DesJarlais	Keating	Panetta
Deutch	Keller	Pappas
Diaz-Balart	Kelly (IL)	Pascarell
Dingell	Kelly (MS)	Payne
Doggett	Kelly (PA)	Pence
Donalds	Khanna	Perlmutter
Doyle, Michael	Kildee	Peters
F.	Kilmer	Pfluger
Duncan	Kim (CA)	Phillips
Dunn	Kim (NJ)	Pingree
Ellzey	Kind	Pocan
Emmer	Kirkpatrick	Porter
Escobar	Krishnamoorthi	Posey
Eshoo	Kuster	Pressley
Espallat	Kustoff	Price (NC)
Estes	LaHood	Quigley
Evans	LaMalfa	Raskin
Fallon	Lamb	Reed
Feenstra	Lamborn	Reschenthaler
Ferguson	Langevin	Rice (NY)
Fischbach	Larsen (WA)	Rice (SC)
Fitzgerald	Larson (CT)	Rodgers (WA)
Fitzpatrick	Latta	Rogers (AL)
Fleischmann	LaTurner	Rogers (KY)
Fletcher	Lawrence	Rose
Foster	Lawson (FL)	Rosendale
Foxy	Lee (CA)	Ross
Frankel, Lois	Lee (NV)	Rouzer
Franklin, C.	Leger Fernandez	Roy
Scott	Lesko	Roybal-Allard
Fulcher	Letlow	Ruiz
Gaetz	Levin (CA)	Ruppersberger
Gallagher	Levin (MI)	Rush
Galleo	Lieu	Rutherford
Garamendi	Loifgren	Ryan
Garbarino	Long	Salazar
Garcia (CA)	Loudermilk	Sánchez
Garcia (IL)	Lowenthal	Sarbanes
Garcia (TX)	Lucas	Scalise
Gibbs	Luetkemeyer	Scanlon
Gimenez	Luria	Schakowsky
Gohmert	Lynch	Schiff
Golden	Mace	Schneider
Gomez	Malinowski	Schrader
Gonzales, Tony	Malliotakis	Schrier
Gonzalez,	Maloney,	Schweikert
Vicente	Carolyn B.	Scott (VA)
Good (VA)	Maloney, Sean	Scott, Austin
Gooden (TX)	Mann	Scott, David
Gottheimer	Manning	Sessions
Granger	Mast	Sewell
Graves (LA)	Matsui	Sherman
Graves (MO)	McBath	Sherrill

Simpson	Takano	Wagner
Sires	Taylor	Walberg
Slotkin	Tenney	Walorski
Smith (MO)	Thompson (CA)	Waltz
Smith (NE)	Thompson (MS)	Wasserman
Smith (NJ)	Thompson (PA)	Schultz
Smith (WA)	Tiffany	Waters
Smucker	Timmons	Watson Coleman
Soto	Titus	Weber (TX)
Spanberger	Tlaib	Webster (FL)
Spartz	Tonko	Welch
Speier	Torres (CA)	Wenstrup
Stansbury	Torres (NY)	Westerman
Stanton	Trahan	Wexton
Staubert	Trone	Wild
Steel	Turner	Williams (GA)
Stefanik	Underwood	Williams (TX)
Steil	Upton	Wilson (FL)
Steube	Valadao	Wilson (SC)
Stevens	Van Drew	Wittman
Stewart	Van Duyne	Womack
Strickland	Vargas	Yarmuth
Suozi	Veasey	Zeldin
Swalwell	Velázquez	

NAYS—7

Biggs	Gosar	Perry
Cheney	Greene (GA)	
Davidson	Massie	

NOT VOTING—4

Allen	Guest
Gonzalez (OH)	Kinzinger

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to direct the President to submit to Congress a report on United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, and for other purposes."

A motion to reconsider was laid on the table.

Stated for:

MS. CHENEY. Mr. Speaker, on rollcall No. 121, I intended to vote "yea."

PERSONAL EXPLANATION

Mr. ALLEN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 116, "nay" on rollcall No. 117, "nay" on rollcall No. 118, "nay" on rollcall No. 119, "nay" on rollcall No. 120 and "nay" on rollcall No. 121.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bass (Beyer)	Gomez (Soto)	Newman (García)
Bilirakis	Gottheimer	(IL)
(Fleischmann)	(Pallone)	Owens (Tenney)
Blumenauer	Grijalva	Payne (Pallone)
(Beyer)	(Stanton)	Peters (Jeffries)
Bowman (Evans)	Harder (CA)	Porter (Wexton)
Cárdenas (Soto)	(Correa)	Price (NC)
Castro (TX)	Huffman	(Butterfield)
(Correa)	(Stanton)	Roybal-Allard
Cawthorn (Gaetz)	Johnson (TX)	(Pallone)
Clark (MA)	(Jeffries)	Rush (Evans)
(Blunt)	Joyce (OH)	Schiff (Beyer)
(Rochester)	(Garbarino)	Scott, David
Connolly	Kahele (Mrvan)	(Jeffries)
(Wexton)	Kilmer (Larsen)	Sires (Pallone)
Cooper (Correa)	(WA)	Steube (Donalds)
Crawford	Kirkpatrick	Suozi (Beyer)
(Fleischmann)	(Pallone)	Taylor (Jackson)
Crist (Soto)	Lawson (FL)	Wasserman
Cuellar (Correa)	(Evans)	Schultz (Soto)
Doyle, Michael	Long	Watson Coleman
F. (Evans)	(Fleischmann)	(Pallone)
Gohmert (Weber)	Meeks (Jeffries)	
(TX)	Mfume (Evans)	

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1297

Mr. GALLAGHER. Mr. Speaker, I hereby remove my name as cosponsor of H.R. 1297.

The SPEAKER pro tempore (Mr. MRVAN). The gentleman's request is accepted.

PROHIBITING NEW INVESTMENT IN AND CERTAIN SERVICES TO THE RUSSIAN FEDERATION IN RESPONSE TO CONTINUED RUSSIAN FEDERATION AGGRESSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 117-106)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, I hereby report that I have issued an Executive Order in order to take additional steps with respect to the national emergency declared in Executive Order 14024 of April 15, 2021, with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by specified harmful foreign activities of the Government of the Russian Federation.

The order prohibits the following: (i) new investment in the Russian Federation by a United States person, wherever located; (ii) the exportation, re-exportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any category of services as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State, to any person located in the Russian Federation; and (iii) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this section if performed by a United States person or within the United States.

I am enclosing a copy of the Executive Order I have issued.

JOSEPH R. BIDEN, JR.
THE WHITE HOUSE, April 6, 2022.

CONGRATULATING WEST CAREER AND TECHNICAL ACADEMY'S WE THE PEOPLE TEAM

(Mrs. LEE of Nevada asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LEE of Nevada. Mr. Speaker, I rise today to congratulate West Career

and Technical Academy's We the People team. They are not only studying history; they are making it.

Mr. Speaker, 1999 was the last time a southern Nevada We the People team qualified for nationals. But now, 14 students from West Tech's We the People team have changed that.

As part of We the People, these students are going that extra mile in their civic education to study our history, our Constitution, and our democracy.

To Mrs. Rozar and all the outstanding We the People teachers, we say thank you.

I have no doubt of West Tech's success later this month when they compete here in Washington, but I am even more excited to watch where this passion takes them as leaders in Nevada's future.

Congratulations to West Tech's We the People team, and good luck in D.C.

HONORING ARMY VETERAN LYNN LIPPS

(Mr. ROSENDALE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSENDALE. Mr. Speaker, I rise today to congratulate Army veteran, Mr. Lynn Lipps, from Roundup, Montana, for being awarded the Army Good Conduct Medal.

The Army Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in active Federal military service.

Mr. Lipps demonstrated exceptional skills and was a reliable and conscientious worker during his service as a medic in the emergency treatment clinic at Irwin Army Hospital at Fort Riley.

In addition to his skills, Mr. Lipps displayed a genuine concern for the well-being of the patients that he tended to.

Mr. Lipps worked long, arduous hours to ensure that the best possible medical care was provided to the soldiers and their families, and he was always willing to serve above and beyond that which was required.

Mr. Lipps' accomplishments not only reflected well upon himself but also upon his unit.

Congratulations, Lynn, on receiving this noble achievement, and thank you for your service to our country.

RECOGNIZING STEVEN KRAMER

(Mr. MRVAN asked and was given permission to address the House for 1 minute.)

Mr. MRVAN. Madam Speaker, it is with great pride I rise today to recognize Steve Kramer from Dyer, Indiana, as the 2020 recipient of the United Steelworkers' Leo Gerard Visionary Award.

Steve has been a proud union member in the United Steelworkers District 7 for over 36 years. He is the former president of the USW Local 9777 and

now serves as vice president. He is also a councilman for the town of Dyer in the First District.

Steve's hard work and dedication to our steelworkers' labor unions and his community is what makes his work truly visionary and commendable.

I am proud that northwest Indiana is home to so many hardworking and dedicated members of the United Steelworkers. Every day, I appreciate their invaluable contributions to the strength of our economy, our workforce, and our community.

Congratulations, Steve, for your exemplary leadership of the steelworkers and all workers.

NATIONAL LIBRARY WEEK AND NATIONAL LIBRARY OUTREACH DAY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to celebrate National Library Week and National Library Outreach Day. This week is dedicated to promoting the importance of our local libraries.

Our libraries serve as a place to connect. Some use the library as a place to connect to the internet. Others may use it as a place to connect with new ideas or classes. Most importantly, our libraries connect our communities.

Today's focus, National Library Outreach Day, otherwise known as National Bookmobile Day, highlights the important outreach activities conducted by our local libraries.

Bookmobiles and other outreach events hosted by our libraries connect individuals who otherwise might not be able to access a local library. From events at elementary schools to senior living centers, these services are essential to our community.

Madam Speaker, I encourage you all to make a visit to your local library this week and thank the librarians for the work that they do.

□ 1915

HONORING THE LIFE OF TREY MARSHALL SUTTON

(Ms. SPANBERGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPANBERGER. Mr. Speaker, I stand here today to honor the life of Henrico County Police Officer Trey Marshall Sutton.

Officer Sutton was described as kind, confident, and someone who devoted his life to others.

Originally from Chesterfield County, Officer Sutton graduated from the police academy earlier this year, and he was training to serve in the Henrico County PD's patrol bureau. He was also soon to be married.

Last week, Officer Sutton's life was cut tragically short in a car crash dur-

ing field training. In an instant, Virginia lost one of our best, someone who demonstrated both bravery and compassion through his actions.

We will remember Officer Sutton for his service to our community. We will remember his commitment to our Commonwealth. And we will remember his story as one of purpose and inspiration for our country.

In the words of the "Hero's Welcome": "And through your selfless actions, others will hear the call."

My prayers are with Officer Sutton's fellow officers in the Henrico County Police Department, his classmates at the academy, his fiancée, Zoe, and all of his loved ones.

Please join me in honoring the life of Officer Trey Marshall Sutton.

FOOD SHORTAGE

(Mr. ROSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSE. Mr. Speaker, the President of the United States of America, the most prosperous country in the world, has warned the American people that a food shortage is a real possibility in our near future.

Much like our national energy shortage, this potential crisis has been made much more likely by President Biden's out-of-control spending and his unwillingness to tap into American resources, ingenuity, and its people.

Since January of 2021, the prices of many of the key inputs used to produce our Nation's food supply have substantially increased. Ammonia is up 203 percent; liquid nitrogen is up 162 percent; and farm diesel, used in almost every piece of farm equipment, is up a whopping 95 percent.

Spending more money won't fix this; in fact, it has made it worse by causing the prices of everything to go up.

If a food shortage does come to the United States, the sole person to blame will be President Biden, who has wasted no time spending our country into a crisis.

UKRAINIAN STORIES

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, I rise tonight to condemn Vladimir Putin for what he is doing to the children of Ukraine.

Listen to these stories.

Ukrainian mothers are putting the contact details of their relatives on the bodies of their children because they want to make sure that if the children survive and they don't, there will be some place for their children to go.

Emergency service workers are teaching children how to identify Russian explosives made to look like toys.

Thousands of children have been abducted in Ukraine and taken to Russia.

And Ukrainian children have witnessed the murder and torture of their parents, including severed limbs, slashed throats, rapes, and burning bodies.

I am proud to colead an appropriations request with Representatives SCHIFF, KAPTUR, and QUIGLEY to ensure at least \$100 million for Eastern Europe's demining budget in FY23.

RECOGNIZING PETIT JEAN MEATS

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, I rise today to recognize the remarkable achievement of Petit Jean Meats, marking 100 years of business in central Arkansas.

Petit Jean Meats was established in 1922 by the late Felix Schlosser, searching for a better opportunity after escaping an inflation-ravaged Germany.

He found that opportunity in Morrilton, Arkansas, and opened a small retail market, which has now expanded into a 48,000-square foot processing plant.

The story of Petit Jean Meats is truly inspirational, and today, it is still owned by that same family.

Current owner David Ruff says: "We still do things the old-fashioned way, which gives our meats that old-fashioned flavor."

I commend Petit Jean Meats for this outstanding achievement, and I wish them continued success.

UKRAINIAN CHILDREN

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I rise tonight outraged over the systemic slaughter of Ukrainian children by Russian murderer Vladimir Putin.

Countless Ukrainian children are being murdered and orphaned. An entire generation is watching as everything around them is destroyed by Russia's war machine.

Fathers and mothers are being ripped from sons and daughters. The littlest are being left to fend for themselves, as Russia lays waste to everything Ukrainians have ever known.

No little child should be left to weep next to the unmarked grave of their parent that they will never see again.

No child should have to ponder how they will eat or where they will sleep due to the actions of a tyrant who derives satisfaction from their despair.

We have a global responsibility to end this bloodshed. Fully arm Ukraine now. Isolate Russia from the community of responsible nations. Starve Putin and his oligarchs. Make sure that we help Ukraine withstand all that they must in order to win this war against Russia's killing machine. Let all democratic nations do everything they can to assure liberty in Ukraine is victorious.

DISASTER AT THE SOUTHERN BORDER

(Mr. GROTHMAN asked and was given permission to address the House for 1 minute.)

Mr. GROTHMAN. Mr. Speaker, I rise to educate my colleagues and the public one more time as to what sort of disaster we are soon to have on the southern border.

Recently, we have had frequently 90,000 to 100,000 people cross the border every month. People of whom we know little. People are skipping to the head of the line over people who want to come here legally, people that come from countries that are hostile to us.

But as bad as it is to have 80,000 to 100,000 people come across, the Biden administration is claiming that within the next month and a half they will remove title 42, opening up the border to perhaps another 200,000 or 300,000 or 400,000 people a month above what we are already getting here.

I personally think they are doing this because the Ukraine war is going on, and they think they can really land a death blow to the future of this country by opening up the border to people all over the world.

I call upon American citizens and my colleagues to not forget about what is going on at the border. I call upon the press to treat this story with the gravity it should be given and to report on all the people who are going to come here in the second half of May.

We cannot have 400,000 people a month coming across the border.

UKRAINE CHILDREN

(Ms. DEAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DEAN. Mr. Speaker, while preparing remarks, I considered showing much more graphic photos of Ukrainian children brutalized at the hands of Vladimir Putin. But then I thought of some of the people who might see this—refugees of war, war veterans who would be reminded of their own pain and suffering.

The truth is, for survivors who actually see the end to war, the trauma never recedes, it never leaves. The cost of war is simply too high.

I come to the floor tonight not as a Congresswoman, but as a mother and a grandmother. My heart breaks at these sights of horror of children lost or scarred forever.

Last night, my son sent me a photo of a child who is nearly the same age as his daughter, my granddaughter. On her back, her mother had written her name, her contact information, her birth date in case the mother was killed, or the daughter was left alone.

I cannot imagine that planning—the fear, the despair, the trauma.

No matter the war, we must think of the children in Syria, Afghanistan, Ethiopia, Cameroon, anywhere on our planet.

I pray for peace for anyone suffering at the hands of a brutal dictator.

We must do everything we can to find a peaceful resolution.

“Slava Ukraini,” “Glory to Ukraine.” “Slava heroem,” “Glory to the heroes.”

ENOUGH IS ENOUGH

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, I will start with associating myself with my colleagues who have just spoken and say, “Glory to Ukraine” and to indicate that my heart is broken. The words will not elevate the despicable actions of Vladimir Putin.

Today we voted to secure and seek, I hope, an indictment. He is a war criminal, and he is killing children.

But I must, Mr. Speaker, suggest that we have a difficult problem at the border exacerbated by Governor Greg Abbott, who wishes to make a mockery of the desperate people coming, including Ukrainian refugees, who gather at the southern border. Today, he has announced that he will bus these migrants to Washington, D.C.

I am embarrassed.

With the likes of George H.W. Bush, Ann Richards, Henry B. Gonzalez, as well as Barbara Jordan, who are brothers and sisters of Texas, I now have to live with Governor Greg Abbott who disgraces us by suggesting that we must take migrants and drop them off on the steps of the Capitol.

I welcome them.

Why don't we sit down and resolve how we deal with these desperate people? Why don't we find a way, as we were trying to do with George W. Bush, to have an immigration policy? But when he does that, he will also do that to Ukrainian refugees at the southern border.

Enough is enough.

CRISES THE WHITE HOUSE IS CAUSING AT HOME AND ABROAD

The SPEAKER pro tempore (Mr. MRVAN). Under the Speaker's announced policy of January 4, 2021, the gentleman from Louisiana (Mr. JOHNSON) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. JOHNSON of Louisiana. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. JOHNSON of Louisiana. Mr. Speaker, during the last election, the Democratic Party managed to win a razor-thin majority here in this House and a split Senate, 50-50. No objective

person can look at those numbers and suggest that the President of this party, President Biden, was given any kind of authority whatsoever to try to radically transform our country, but, you know, that is exactly what he has tried to do for the worse.

And the latest offense, the latest overstep, the latest overreach is this President has made the most leftwing nomination to the Supreme Court in American history.

For those who didn't see this over the weekend, Judge Ketanji Brown Jackson testified in her post-confirmation hearing written questions for the record: “I do not hold a position on whether individuals possess natural rights.”

You heard that correctly. President Biden's nominee for the highest court in this land cannot say whether individuals possess natural rights. We can hardly imagine a more un-American position than denying the first self-evident truth of America.

The central and foundational premise of our great country is that all individuals are endowed by their creator with certain inalienable rights. Among those are the right to life, liberty, and the pursuit of happiness.

We have a newsflash for the judge: Those rights don't come from government; they don't come from any human authority. They come from our creator himself. We are endowed with those rights by God.

The fact that Judge Jackson cannot or will not acknowledge this simple fact is disqualifying for the highest court in this land, period, full stop.

Mr. Speaker, the President's nomination is truly out of step with the country and this fateful moment.

And the primary job Americans elected President Biden to do was to help unite this country. This is doing the opposite.

His nomination for the Supreme Court is the latest example of just how badly he has failed.

I am very thankful to my colleagues for joining me on the floor this evening to discuss President Biden's radical nominee to the United States Supreme Court, but also, as you will hear, the myriad number of other crises the White House is creating at home and abroad.

Mr. Speaker, I yield to the gentlewoman from Illinois (Mrs. MILLER).

□ 1930

Mrs. MILLER of Illinois. Mr. Speaker, title 42 is the only thing keeping President Biden from fully handing our border to cartels and smugglers already taking full advantage of his incompetence and neglect.

Last week, the Biden administration announced that they will be stopping Border Patrol from enforcing COVID-19 restrictions on illegal immigrants by ending title 42.

Title 42 must stay in place. It is a matter of national security, and my colleagues and I are calling on Democrats to act in a bipartisan effort to

force a vote on the bill to keep it in place.

Biden's open border policies are an unmitigated disaster. The crisis at our southern border is out of control and our Customs and Border Patrol is already dangerously overwhelmed.

Ending title 42 expulsions will signal to cartels and migrants that our border is now wide open, inciting more violence and lawlessness.

It is also being reported that the Biden administration is going to divert resources from our veterans in order to give free medical care to illegal migrants.

I wrote a letter to the secretary of Veterans Affairs to oppose these efforts because we must put our heroes first and stand up for our veterans.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank the gentlewoman for drawing attention to that. The gentlewoman is exactly right, and some of the Border Patrol officials have said that they estimate that by rescinding title 42, that the number of illegal border crossings will double overnight. So instead of having 7,000 a day, we will go to 18, 20,000 a day. The numbers are just staggering.

Mr. Speaker, I am happy to yield next to the gentleman from Tennessee (Mr. BURCHETT).

Mr. BURCHETT. Mr. Speaker, I thank the gentleman for yielding to the great State of Tennessee.

Mr. Speaker, a recent CNBC survey illustrates how Americans are feeling about inflation. Fifty-two percent of adults reported they are under more financial stress today than they were 1 year ago.

The poll also shows how consumers spending habits changed over the last 6 months in response to rising prices: Fifty-three percent say they are cutting back on dining out; 39 percent are driving less; 32 percent switched from a brand-name product; and 29 percent canceled a vacation.

The economy is in a tailspin, Mr. Speaker, thanks to President Biden's Big Government agenda. His failed policies are making the cost of doing business more expensive, and those increased costs are passed directly on to consumers.

Many companies use catchy slogans and taglines to advertise their services but, in this economy, some businesses might rethink their marketing campaigns.

Remember the \$5 foot-long at Subway? It costs at least \$10 for a foot-long sandwich from Subway these days, Mr. Speaker.

Southwest Airlines' low-cost flight motto is "Wanna Get Away?" Flights are now so expensive; Southwest should change its offers to Wanna Go One Way? Did you catch that? One way, since that is all travelers obviously can afford.

Walmart tells customers they will "Save Money, Live Better" by shopping at its stores. Americans are probably thinking more along the line of

Spend Money, Live Worse after making a trip to Walmart in recent weeks.

Finally, Mr. Speaker, lots of folks are doing their banking with Capital One, which asks "What's in Your Wallet?" Pretty soon Capital One will be asking consumers What's Left in Your Wallet?" Thanks to rising prices.

Mr. Speaker, Americans are really just fed up with President Biden's handling of the economy. From the same CNBC poll I referenced earlier, 61 percent disapprove of the President's response to inflation, and 81 percent fear a recession is coming in 2022. And I would dare say, CNBC is not the most conservative folks out there.

Earlier this week, thank goodness, Elon Musk, he swooped into Twitter to save the company from the woke politics that are running it into the ground, censorship being one of those.

President Biden needs a similar hero who can come in and stop this administration from destroying the economy. Alternatively, he could simply give up on his Big Government agenda that is failing American citizens, Mr. Speaker.

I appreciate Vice Chairman JOHNSON's lackluster leadership and his constant mention of complimentary snacks which are not here, coming forthwith.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank my friend; we always need a little moment of brevity, don't we? The news is so bad, but the gentleman pointed out and highlighted how difficult the times are, and that is a serious subject.

Mr. Speaker, I am delighted to yield next to the gentleman from Michigan (Mr. BERGMAN), who holds the distinction of being the highest-ranking military officer ever elected to the United States Congress, my classmate, president of our freshman class. I still call him the general.

Mr. BERGMAN. Mr. Speaker, I thank my esteemed colleague from Louisiana, who I rely on. If you are going to be worth anything as a military commander, you rely on the folks who work for you. And I can tell you, I spent a lot of time with lawyers, and the gentleman is the best when it comes to constitutional law. So I am proud to be here with him today to talk about kind of a certain level of, you could say, lawlessness.

President Biden's favorite policy, public policy shop, also known as the CDC, announced that it would lift title 42, which has been used nearly 2 million times since March of 2020, to remove illegal immigrants.

When title 42 is lifted this May, even more illegal immigrants will be incentivized to cross our southern border. This will spark an unprecedented surge, considering that we have already experienced record-high illegal border crossings under President Biden in his first year plus.

As border violations rise, so does the number of violent criminals allowed into our communities. I regret these circumstances forced upon our Nation

by President Biden's careless policies. Because of this, we must be prepared for more illegal immigrant crime.

For this reason, I will be introducing legislation next week called the Victims of Immigration Crime Engagement Restoration Act, or the VOICE Restoration Act.

VOICE was an office set up by President Trump to connect victims of illegal immigrant crimes; connect them to their legal representatives, to any witnesses, with supportive resources like a hotline to answer questions, local contacts, Social Services referrals, and information about the custody status of detained illegal immigrants.

In 2021, President Biden dismantled VOICE—I repeat, dismantled VOICE.

Think, for a second, what that says about him and his policies, and what he thinks about innocent American citizens.

My legislation will permanently reinstate the VOICE office, and I look forward to sharing more of the details soon.

We have an out-of-control crisis on our southern border; predictable and avoidable, but it is so massive that it is impacting cities and towns all across our country.

The Democrat leadership in Congress and in the White House have done nothing about this. This must change soon. And I know it is going to change here in probably about another 8 months, because we are going to have some new leadership.

And my promise to you, as a marine who doesn't know the word "quit," is that, in the meantime, every day between now and then, I won't stop fighting, along with others, to secure our borders.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank the gentleman for that fight and that very worthwhile legislation, and we look forward to seeing that.

The gentleman is right. The surge in crime is directly related to border in so many ways because we know dangerous people have come across that border. It is completely open to MS-13 gang members, violent criminals, convicted persons, criminals who come from other countries. You have child predators, even terrorists who have come across that border. We know this for a fact, and still they won't change the policies.

Mr. Speaker, I am happy to yield next to the gentleman from California (Mr. LAMALFA.)

Mr. LAMALFA. Mr. Speaker, President Biden recently announced his fiscal year 2023 budget, the proposal includes a plan to spend \$73 trillion in a 10-year period that will add \$15 trillion to our national debt; this at a time when government spending is already driving inflation and making all these items that much more expensive: Airline fares, lodging, gas, the cost of automobiles, new or used.

I stopped in at a dealer the other day and they are finding that people are actually willing to pay more for a used

car than what the car cost new, or trucks. It is crazy.

So the American people are suffering right now under these economic conditions, all man-caused, all government-caused, pretty much.

So with record-breaking inflation and gas prices, we are, instead, having a budget that is crafted to not combat these issues, but add to them. It radicalizes our energy in the new Green Deal that these guys want to do, making more cost, making energy even less available to Americans.

It includes zero mention of resuming the Keystone Pipeline, since that was something on the first day of office they decided to put a stop to.

The budget should be focused on getting people back to work, to making America thrive, combating inflation, not causing it; strengthening our energy independence, which will bring prices down, not playing around with the strategic reserve and, you know, bleeding out a million barrels per day.

That strategic reserve has a purpose, and it isn't playing economics with it; it is supposed to be there for, indeed, a time of crisis for our country.

So, instead of relying on Russian oil and relying on other imported oil from Venezuela, Saudi Arabia, whoever, we can do our own national oil independence with our own known reserves.

So, the direction the Biden administration is taking with all this spending, it is starting to mimic my home State of California really, because our regulatory and tax policies there are already the model for what not to do. The Federal Government shouldn't follow that.

So let's come back to common sense. I urge President Biden and the Democrats to not adopt this giant spending plan but move in a direction of getting people back into production again. Come out of this COVID crisis, put them back to work, have our economy thrive, with our energy independence, food independence, because California's ag situation is being decimated by the water being taken away.

I asked the President to help us on this. Help us grow food in this country and get prices back down and not have empty shelves. That should be focus of how you help American people, not more crazy spending.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank the gentleman. So much of that is just common sense, and I appreciate him pointing it out.

But sadly, unfortunately, this White House shows no intention whatsoever of reversing its policies and positions, which could fix these problems.

Mr. Speaker, I am grateful to yield next to the gentleman from the great State of Texas (Mr. BABIN).

Mr. BABIN. Mr. Speaker, I certainly appreciate my good friend from my neighbor, Louisiana, Mr. JOHNSON, for having this Special Order.

No, it doesn't look like things are going to change, as the gentleman said. Joe Biden has no interest in securing

the southern border. He has proven it time and time again over the last 14 months.

On day one of his Presidency, our Commander in Chief stopped completely the construction of our border wall, which is, by the way, something that Congress appropriated funds for and is something that we know for a fact deters illegal crossings.

In fact, the Department of Homeland Security reported that illegal entries in areas with the new border wall system along the Yuma sector plummeted more than 87 percent in fiscal year 2020, compared with the previous year of 2019.

President Biden's foolish decision to stop construction of this wall left millions of taxpayer dollars' worth of steel just rusting away in the hot sun and the cold, wet winters; millions of your tax dollars simply gone to waste.

He ended remain in Mexico, a policy that The Washington Post reported made illegal apprehensions fall by 30 percent in its very first year alone.

He has tied the hands of ICE who, last year, deported the lowest number of illegal aliens since 1995, despite more than 2 million alien apprehensions. Interior enforcement is drying up to nothing.

And now he is scrapping title 42, the very last policy that saves CBP from drowning in a complete sea of chaos.

But if all of this isn't enough to convince you that Joe Biden doesn't have your best interests in mind, take a look at his budget request for 2023. He wants \$73 trillion—that is with a T—in spending, \$58 trillion—another T—more in taxes. And our debt will increase by \$16 trillion—with a T—over the next decade.

I did a quick search for the phrase "border security" in this budget. It is mentioned twice. We are facing the worst border crisis on record and a historic number of fentanyl overdoses from drugs illegally smuggled into our country, over 100,000 dead Americans from drug overdoses, and yet, the President mentioned border security only twice.

Do you know how often he mentions the word "climate"? 187 times.

Joe Biden claims that he is working to protect America but, folks, the facts actually say otherwise. The facts show that he doesn't care about keeping you and your family safe. The facts show he doesn't care about protecting the livelihood that you worked so hard for. And the facts show that he doesn't care about the sovereignty or the security of our great Nation that we love, a beacon of liberty and freedom for all the world to look at and envy.

That is why they are coming here. Shame on President Biden.

□ 1945

Mr. JOHNSON of Louisiana. Mr. Speaker, John Adams said facts are stubborn things, and those are some tough facts. They cannot refute it because everyone can see for themselves.

By the way, Dr. Babin, I just pulled up the U.S. debt clock, this thing that everybody can see on their smartphone. Currently, right now, as we stand here, the national debt is \$30,367,412,900. You can't count it or follow it with the naked eye. Unbelievable. And he is proposing more.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. CLYDE).

Mr. CLYDE. Mr. Speaker, I really appreciate your leadership and willingness to highlight the issues facing our country, including the very serious issue of the possible confirmation of an unqualified person, Judge Ketanji Brown Jackson, to the U.S. Supreme Court.

President Biden's Supreme Court nominee, Judge Ketanji Brown Jackson, commonly known as KBJ, is simply unfit to serve our Nation's highest court.

Throughout her legal career, Judge Jackson has garnered a disconcerting record of being soft on crime, as evidenced by her lenient sentencing, particularly for criminals convicted of egregious acts involving child sex torture. Judge Jackson simply is incapable of holding dangerous criminals accountable.

Additionally, Judge KBJ has revealed her allegiance to the radical left by refusing to define what a woman is, excusing her extremism by claiming she isn't a biologist. There are indisputable differences between men and women, and those differences must be both acknowledged and accepted in order for KBJ to properly adjudicate title IX cases.

Judge Jackson also recently declined to recognize Americans' natural rights, the precious rights granted to us by God. Failing to accept the basic principle that individuals possess unalienable rights, a principle that is the very foundation of our American values, is supremely disqualifying for any individual seeking to serve our Nation's highest court.

Yet, despite Judge Jackson's frightening record and recent disqualifying revelations, the Senate intends to vote to potentially confirm her to the Supreme Court this week.

While it is true that Judge Jackson's confirmation will not immediately alter the makeup of the Court, it is naive and cowardly to make excuses when the stakes are this high. Our country, our liberties, and the makeup of the Supreme Court are on the line.

If Judge Jackson becomes a Supreme Court Justice, she will serve for decades, solidifying and strengthening the left's menacing grip of our rule of law. Her decisions will impact future Americans for generations to come, setting precedent that will ultimately guide our great Nation once many of us in these Chambers are long gone.

This is exactly why Judge Jackson's confirmation is much larger than just one vote. It is about preserving justice, protecting our freedoms, and defending our Constitution.

Mr. Speaker, I urge every solitary Senator to contemplate their vote and the significant weight that it carries for our future. I encourage them to vote "no" on this confirmation.

Without question, Americans from Maine to Utah to Alaska, from sea to shining sea, are watching intently, praying their Senators' votes will represent our Nation's constitutional principles rather than appeasement to the left.

America is watching. Will our Senators defend America by voting "no," or will they shrink back? We will not forget.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank my friend for highlighting that. It is a serious issue.

The longest-lasting legacy of any President is who they put on those Federal courts, and, of course, the most important is the highest court in the land. We cannot overstate how important this is.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. ROSE), my good friend.

Mr. ROSE. Mr. Speaker, I thank the gentleman for yielding and for hosting this Special Order tonight.

Mr. Speaker, President Biden's budget is symbolic of his wasteful build back broke agenda that was filled with partisan provisions.

There is \$73 trillion in new spending, \$58 trillion in taxes, and \$16 trillion in new debt, all over the next 10 years.

When hardworking Tennesseans get together and come up with a household budget, they have difficult conversations with one another about what exactly they can afford. If something falls under the category of unnecessary and unaffordable, the last thing they do is put it on their grandchildren's credit cards. That is exactly what this budget does.

President Biden and congressional Democrats praising his proposal are now on record seeming to have no issue with mortgaging our country and its children's futures, even amidst the largest increase in inflation since 1982.

There are many wasteful provisions in President Biden's budget proposal, like the \$11 billion being sent to foreign developing countries to help adapt to global warming. The one that I struggle with the most is the one that gives \$400 million to Planned Parenthood and other entities that perform abortions.

The Hyde amendment has existed in every Federal appropriations bill since 1976. It is one of the most longstanding and bipartisan agreements to protect Federal taxpayer dollars from going toward abortion.

President Biden's decision to purposefully keep this out of his budget proposal is wrong and will never get my support nor the support of my constituents in middle Tennessee who are firmly pro-life.

Leaving out the Hyde amendment is only another partisan attempt to advertise the President's anti-life posi-

tion and satisfy those who support the horrible atrocities of abortion.

Mr. Speaker, I urge all Members of the Congress to stand firm in their commitment to protecting life. We must restore the Hyde amendment and reject President Biden's budget because no Tennessean's tax dollars, nor dollars borrowed from our children and grandchildren, should go toward subsidizing Planned Parenthood and the immoral practice of abortion.

Mr. JOHNSON of Louisiana. Mr. Speaker, that was so well said. I appreciate the gentleman highlighting that issue. It is one of so many that we have deep concerns about with this administration and their budget and everything they do.

We have to protect the sanctity of every single human life. To defend the defenseless is the job that we have—the first job, the primary job.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. GROTHMAN).

Mr. GROTHMAN. Mr. Speaker, our country is obviously in bad shape, and I think our forefathers, if they saw the way we operated today, would be quite stunned and wonder where in their Constitution they let us down to wind up where we are today.

I think of the three branches of government. The judiciary is the one which right now has let down the Framers the most. Our forefathers realized that a country with elections usually eventually fails because the majority can either want, or be manipulated into wanting, more stuff, or ordering other people around to order them to be obeyed the way they would like other people to be behaved.

The Bill of Rights is almost exclusively about restricting the role of government in American life. Obviously, the Supreme Court has largely abandoned that function. Things got bad in the 1930s and 1940s, and again in the 1960s. Today, one wonders what the Court will ever say no to.

Where will Judge Jackson fit as we try to defend our Constitution? We look at her inability to say what a woman is and her inability to talk about judicial philosophy, and we know where she will stand. She stands with woke America. I hate that word, but that is what it is. It is somebody who has no respect for tradition. If you have no respect for tradition or common sense, you certainly don't have that near reverence, which should be a requirement for any Supreme Court Justice.

Furthermore, President Biden got himself in a position in which he said he is going to have to promote a Black woman to that position. The very idea that you think decisions on a court should vary with the background of the person who is on that court shows you don't have that respect for the Constitution.

All Americans should have an originalist view of the Constitution and consider it the great, almost God-given, document that it is.

In any event, when you don't have that respect for the Constitution, you know you are not going to respect the Second Amendment. You are not going to respect the 10th Amendment; it is a disaster we have ignored it. You are going to continue to stretch the Commerce Clause all out of whack. You are going to look at every individual as a member of a group, never as an individual in their own right.

Right now, about 2 percent of the lawyers in the country are Black women. So, what Joe Biden did is he took 98 percent of the possible resumes for this very important job and threw them in the garbage.

I wonder if President Biden does that anywhere else in his life? Does he throw away 98 percent of the resumes or potential resumes when he is looking for a new dentist, a new plumber, a new clergyman, throw out 98 percent willy-nilly? That is what he has done in picking a new Supreme Court Justice who could well be on the Court for the next 40 years.

Our forefathers felt that by giving us this Constitution—they pointed out that this Constitution is fit for moral and religious people and not fit for anyone else. Will Judge Jackson respect that? I don't know.

When they finished the Constitution, Benjamin Franklin said: We are giving you a republic, if you can keep it.

We are, right now, being tested whether we are the moral and religious people that can keep the republic that the forefathers felt they described in the Constitution.

It looks to me, from everything you hear about her, that Judge Jackson is not going to have that reverence to keep that Constitution, to keep that republic. We will, therefore, with judges like that, wind up collapsing.

Mr. JOHNSON of Louisiana. Mr. Speaker, there is a lot of wisdom there. The gentleman is exactly right. If a judge begins with the premise that we have no natural rights, that does not bode well for where that logic leads.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. KELLER).

Mr. KELLER. Mr. Speaker, many times, we have heard President Biden and his administration say that the crisis we are facing at our southern border is seasonal. There is nothing seasonal about 1 million illegal aliens crossing our southern border in 6 months. There is nothing seasonal about 400,000 illegal alien got-aways going undetected into our country.

The crisis at our southern border is the direct result of President Biden overturning successful policies put in place by Donald Trump.

First, Biden halted the construction of the border wall. Then, he rescinded the remain in Mexico policy. Now, he is taking aim at one of the final remaining Trump policies, title 42, which allows law enforcement to expel illegal aliens who pose a health risk.

The Department of Homeland Security predicts that as many as 12,000 to

18,000 illegal aliens will cross our southern border per day if title 42 is lifted—18,000 illegal aliens in 1 day. In 3 days, that would be greater than the population of Pennsylvania's capital city, Harrisburg—in less than 3 days. In a little more than a day, it would be greater than the population of Williamsport, Pennsylvania, the largest city in Pennsylvania's 12th Congressional District.

If President Biden removes title 42, it goes beyond bad judgment. It is reckless, and it will turn the crisis into chaos at our southern border.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank Mr. KELLER for that. These words are not hyperbole. This is what the experts are saying. Customs and Border Patrol agents, those officials who are there every day watching this chaos, this calamity that has developed, they are the ones that are giving us these numbers. They project 18,000 illegals a day. It is just hard to wrap your mind around that.

□ 2000

Mr. KELLER. That is the executive branch, homeland security.

Mr. JOHNSON of Louisiana. Absolutely. And these are the results of policy choices, and they could easily be reversed if the White House would wake up and do something.

So I thank the gentleman for bringing that to our attention tonight.

Mr. Speaker, you have heard Members from across the country—north, south, east, and west—who have expressed their outrage and their concern with all of the terrible policy choices that are leading to absurd results for our country. These are very dangerous times. There is no leadership in the White House. There is no leadership from the Democratic majority in this House or in the split Senate down the Hall. We can turn these things around, and we can stop these crises if we make different decisions, but they will not do it.

Mr. Speaker, I am thankful for my colleagues who have shown up tonight to articulate this for the American people. We can't say it often enough or loudly enough.

There is going to be a sea change in November, and we pray that we can hold on and keep this Republic until then.

Mr. Speaker, I yield back the balance of my time.

ENERGY INDEPENDENCE, NATIONAL SECURITY, AND FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2021, the Chair recognizes the gentleman from Pennsylvania (Mr. KELLY) for 30 minutes.

Mr. KELLY of Pennsylvania. Mr. Speaker, today I rise to address some of the biggest problems facing the United States today and, quite frankly, the world.

As the war between Russia and Ukraine wages on, many Americans have been quickly reminded of just how global our economy really is.

Now, prior to the war, Russia provided the United States with 8 percent of our Nation's oil and refined products. A war involving Russia can suddenly spike fuel prices at your local gas station. Like many nationwide, drivers in my home district of western Pennsylvania have seen gasoline at over \$4 a gallon for well over a month.

The interruption of our Nation's oil supply and subsequent skyrocketing prices are just the latest reminder that we need to refocus our energy policies in Washington and produce more energy right here at home in America.

Let's go back to May 2021, when two things happened: the United States imported a record amount of Russian oil, and President Biden waived sanctions on Nord Stream 2. That is the Russian natural gas pipeline set to supply much of Europe with energy.

Now, 4 months earlier the President canceled the Keystone XL pipeline between the United States and Canada. That pipeline would have delivered an additional 830,000 barrels of crude oil a day. That is 830,000 barrels of crude oil per day.

That would have gone to U.S. refineries, and it would have created thousands and thousands of jobs. That is more oil than the United States imports from Russia each day. This is a no-brainer. Just bring back the pipeline. It is so easy to do and so easy to institute.

Why would we not do that?

Why would we not be energy independent?

We can't depend on bad foreign actors such as Russia, Venezuela, or Iran to help provide our Nation's energy. Above all I applaud the collective effort right here in Washington to stop bankrolling the Russian war machine by buying their products.

According to the Council on Foreign Relations, revenue from the energy sector is responsible for more than 40 percent of Russia's federal budget. Some quick, back-of-the-envelope math, the 8 percent of Russian oil we imported equates to 672,000 barrels of oil per day.

But this moment calls for a broader push to end our reliance on foreign energy sources.

To start, President Biden should reverse his executive order banning the Keystone pipeline.

Next, we must return to Trump-era energy policies that made the U.S. energy independent. To amend the former President's famous tag line, let's change it to make North America great again.

According to the U.S. Energy Information Administration, 61 percent of U.S. crude oil imports come from Canada. Another 11 percent comes from Mexico. Seventy-two percent comes from our neighbors to the north and our neighbors to the south.

We should be expanding oil imports from our allies and neighbors rather than paying our adversaries who can hold our energy sector hostage. Doing so not only makes economic sense, but it improves relations with those closest to us and further strengthens our national security by becoming less dependent on bullies like Russia, Venezuela, and Iran.

Now, on the other hand, President Biden has single-handedly made Americans poorer and our Nation's security weaker during his first year in office. His anti-fossil fuel, Green New Deal wish list has placed unnecessary burdens on the oil and gas industry.

Even as gas prices are reaching record highs here nationwide, just last month President Biden had announced that he is pausing decisions about new Federal oil and gas drilling as part of his plan to tackle climate change. And that is just the beginning.

So far, President Biden has announced the release of 80 million barrels of oil from the Nation's Strategic Petroleum Reserve. Just last week President Biden announced he will release up to another 180 million barrels of oil over the next 6 months in an effort to drive down gas prices. That doesn't drive down gas prices.

That theory really sounds good, but, Mr. Speaker, I want you to think about where that oil is coming from. The Strategic Petroleum Reserve is to be used in times of a national emergency when we don't have a supply. It is not used to just try and rack up some cheap political points by saying: I am doing this so you won't have to pay that much at the pump.

It is not working. It never will work.

Now, on November 23, the administration released 50 million barrels from the Strategic Petroleum Reserve. According to the U.S. Energy Information Administration, the average price of gas dropped by a whopping 2 cents. In following days, by December 6, it dropped another 3 cents. So we saved a nickel, but we attacked our Strategic Petroleum Reserve.

Now, as of March 25 the reserve supply was 568 million barrels, meaning that President Biden is ready to take one-third of our Nation's reserve and use them for his short-term political gain that has already proven to not lower gas prices for America but has weakened the reserve.

Now, keep in mind, the purpose of the Strategic Petroleum Reserve is to counter severe supply chain disruptions and enhance national security. It is not to make your polls look better, Mr. President.

The 80 million barrels the President previously released are worth only about 4 days of U.S. oil consumption. Only the President can decide to withdraw oil from or refill the reserve. What is even more frightening so far is China has hardly tapped their oil reserves. President Biden's shortsighted decision-making is dangerously harming our national security.

Now, I am proud to represent the great Commonwealth of Pennsylvania, a place once deemed and called the Saudi Arabia of natural gas. Pennsylvania produces 21 percent of the natural gas extracted in the United States. That is second only to Texas, according to the Energy Information Administration.

In 2020, the Energy Information Administration adds that U.S. dry natural gas production was about 10 percent greater than U.S. total natural gas consumption. That means we can export natural gas that we produce creating energy security for other nations, notably our European allies who are currently dependent on Russia for their natural gas, and it forges a stronger foreign policy in the process.

Russia's invasion of Ukraine and the spike in fuel costs go hand in hand with American foreign policy. If we are dependent on bad actors for energy, then we are subjecting ourselves to their demands. But if we can supply the world with affordable energy, then we can strengthen our international ties and reinforce relationships instead of falling behind. Most importantly, we give the American people a greater sense of security that Russia so desperately seeks to have only for itself.

On the topic of foreign policy, Mr. Speaker, I want to quote a great fellow Pennsylvanian, Benjamin Franklin, who said: "By failing to prepare, you are preparing to fail."

Now, I have thought an awful lot about our Founding Father's words as we watched current events unfold around the world. So much of what we are seeing right now mirrors itself in history.

Russia's unprovoked invasion of Ukraine is a stark reminder that bullies like Vladimir Putin will stop at nothing to achieve their end game to upend democracy and freedom while chilling all the opposition in the process.

This type of takeover carries a precedent. Putin's quest to conquer Ukraine should remind all of us of what happened in the 1930s and 1940s when Adolph Hitler began a similar pursuit across Europe. Now, for far too long the free world watched from the sidelines hoping that European forces could prevent further escalation only to find that Hitler and the Axis Powers were relentless. Thankfully, the Allied forces defeated the global bullies of that era.

Now, over 80 years later, we can consult history for potential answers to modern power struggles. As Russia's military assault on Ukraine continues, the United States and NATO allies must respond together. After all, NATO, which is a collection of over 30 nations, was formed in 1949 after World War II to prevent what?

Soviet aggression.

NATO has a responsibility to step up. Those member countries have a responsibility to step in. All in all, hand in hand, the United States—which is also

the first responder to anything that goes wrong in the world—needs to have help from other people, not America alone, but America with our allies.

NATO's purpose remains as important today as it was back then. A powerful, unified response has served the free world well throughout history.

Now, much like World War II, we have existing or looming conflicts in multiple regions or theaters of the world including Asia. Today, China is threatening Taiwan. Now, as we are deflected from watching what is going to happen in Taiwan and watching the dangerous situation in Taiwan by what is going on in Ukraine—and I don't say we should take our eyes off of what is going on in Ukraine—we should just not think that that is the only theater that we have to be concerned with.

Taiwan is one of our major allies, and in recent months multiple reports indicate that China has been quietly conducting combat readiness drills near Taiwan, an island territory that China still claims to own. This matters for two reasons: First, the Chinese are watching the world's response to Putin's attempt at a land grab in Ukraine because China is threatening to take over their own neighbor as well.

Secondly, this could directly impact the American consumer. Ninety-two percent of the world's supply of advanced semiconductor chips—used in everything from automobiles to cellphones—are made in Taiwan.

If we have learned nothing from the COVID pandemic, it is that we cannot depend on other people around the world to supply us with those things that we need the most. It is a fool's errand to think that somehow this ends well. It does not. It ends terribly for us, and it ends terribly for the free world.

Any large-scale attack on Taiwan means these chips would likely become very scarce as almost everything else in the world is right now, and in some cases probably unavailable altogether. That is why I am cosponsoring the Facilitating American-Built Semiconductors, or the FABS Act, with Congressman MIKE McCAUL.

This piece of legislation allows for a new tax credit through 2032 for investment in any semiconductor manufacturing facility and semiconductor-designed expenditures right here at home.

What an unusual concept: to invest in American technology with American workers to make America safer and stronger, not somebody a world away from us. Let's do it right here at home. Let's do it right here at home.

Now, currently we make just 12 percent of the world's semiconductor chip supply. That is hard for me to imagine that we knew at the time how necessary the semiconductor chips were, but we had kind of a blind eye and a deaf ear to what it was that manufacturers were talking about. We said: Do you know what? For a couple of pennies we can save, let's send them over

to Taiwan and have them make it. And we walked away from what is so critical to us.

Now, the scary thing is that these are just the crises before us right now. History reflects how a robust American foreign policy has significantly shaped the world, specifically the Western Hemisphere. So when we talk about the Western Hemisphere, this is one of the things I think that is probably going more unnoticed than anything: In the 1800s President Monroe knew that in its infancy the United States was developing at a very quick rate, and it really looked like something that other places around the world would look at with envy and say: Do you know what? They are getting stronger every day, and they are getting better every day. Maybe we need to get over there and colonize. Maybe we need to get involved there.

So the Monroe Doctrine came into effect, and the whole idea behind that was, let's make sure that people around the world cannot make an effort to come in and get into our Western Hemisphere and cause us great danger.

So the Monroe Doctrine came out. But then as things went on and we got more powerful and we had more and more going for us, all of a sudden, the world looked to us, and they just didn't take a slight glance at us, but they looked at us with covetousness. They looked at us with who we were and what we were becoming and all the valuable things that were right here in our hemisphere.

□ 2015

So Teddy Roosevelt says: You know what? I am going to put together the Roosevelt Corollary that really establishes guidelines for any intervention in the United States or our Western Hemisphere.

The content within these policies largely addressed actions by European nations or the inactions of Latin American nations. But I believe they are relevant, once again, and are worth further review, and here is why.

If you were to take a look at the Western Hemisphere and just take a real broad look at it and say: Okay, fine, let's take a close look. South America, Central America, up into the triangle, the deepwater ports in Cuba, and both ends of the Panama Canal all have significant foreign countries—and they are mainly China.

People tell me: You don't need to worry about that Panama Canal; China is not really taking it over. I say: You know what? If you don't read history, you don't study history, you are doomed to repeat it.

Why would we not look at what is going on right now in our Western Hemisphere and say, we have put things into place to protect us from foreign intervention.

I want to tell you, you look at the Western Hemisphere, South America, Central America, the triangle, the

deepwater ports in Cuba, that would be ideal for heavy military use, and both ends of the Panama Canal. If you don't think that is a threat to American security, then you need to wake up. We are in great danger right now and not knowing it.

First of all, the Chinese are not very quiet about what they are trying to do. They have a theory that they want to take over the world. They don't whisper about it; they don't sneak around about it; they just do what they want to do. Their presence in Africa should be a great awakening for us.

We have crippled ourselves with regulations and sanctions on so many things that we need, and I don't know for what reason, other than somehow we think that we are smarter than everybody else and we know that we can protect ourselves. And the question is: Really, how? And the answer is: Well, we really can't.

I guess our answer will be what it always is: We will write a strong letter, and Jinping will get it. We will tell them: Please, stay out of our hemisphere and please stop trying to influence the rest of the world for evil. And we will tell Putin: You need to stop doing what you are doing in Ukraine.

At some point, we will actually read history and say we have been down this road before, but we failed to take action at a time that was absolutely critical and pushed it on and pushed it out of sight, and the price we paid was incredible. Let's not do that again.

There is an old saying that is: To be foretold is to be forewarned. With everything going on in the world today, we hear a lot of people using the term "world war III." I am not here tonight telling you that that is what is going to happen. I am here telling you tonight that America and the free world have to understand that we have seen this action before. We know what lies ahead of us, and we know the cost of not addressing it early. We can do it through policy, but peace always comes through strength, not through weakness.

Diplomacy is one thing, as Teddy Roosevelt said: "Walk softly, but carry a big stick."

I would just suggest to you that if you go back to the year 2016—actually 2017, when our 45th President of the United States, Donald Trump, came into office, please tell me why for the 4 years Mr. Trump was in office, the rest of the world stayed at bay? The bad actors of the world didn't attempt to do any of the things that they are doing today.

Certainly, last summer, in our demonstration of how we would leave a country high and dry, that we would take out our military first and leave our military equipment and citizens to face what was going on in Afghanistan was a warning to the rest of the world that you better be careful with the United States, because if you are not, they will pack up their bags in the middle of the night and leave. That is

not who we are, that is not who we have ever been, and that is not who we can be in a free world.

If our friends and allies in the free world take a look at what our actions have been later—because actions always speak louder than words—but we continue to use words, thinking that somehow bad actors will cower and walk away from us, that is not the America that we know. That is not the America that 1.4 million of our men and women in uniform have died to protect and to send a message to the bad actors of the world, we will always be here, we will always be on guard, and we will never walk away from our responsibilities.

I don't know what has happened to America in a little bit over a year. People always say: I think it is better to be respected than feared. I think both have a great effect on everybody. I want both those to be in effect.

I will tell you this: When Donald Trump was our President, nobody but nobody messed with the U.S.A.

Mr. Speaker, we have so many things going on right now. We wonder: What is the future? What is the future not only for America but for America's friends and allies? We look at energy as one of the key issues that we are talking about today, and we know that in America we have endless supplies of energy. What is holding us back now are our own regulations.

I heard the administration say: We have thousands of permits; why don't you just go ahead and use them? Which really shows that they have absolutely no idea that having a permit isn't the same as extracting energy. Somehow, I guess, if you say it long enough and loud enough and to the right crowd, they will nod their heads and say: I know. You are right.

You know what? Get out into the field and see the people that actually do it. Talk to the people that know how to extract energy. Talk to the people that can go offshore. Talk to the people that go deep down into the Earth. Talk to all of those people and tell them: Don't worry. You have a permit. Just go ahead and use it. And by the way, if you don't use it, we will start taxing you on your nonuse. How upside down is this thinking?

PRO-LIFE INFORMATION

Mr. KELLY of Pennsylvania. Mr. Speaker, the last thing I am going to address tonight is probably the most important issue of all, because everything we talk about right now, everything we have addressed already, is about life.

There was a tradition here that on Wednesdays people would wear red, and they would wear red to remind people of the girls that had been kidnapped by Boko Haram. We wanted those girls back, so we would wear red and would walk around here and say: We have got red on today because we want those girls back; Boko Haram has got to return those girls.

So I started wearing red on Wednesdays. Friends on the other side would

say to me: So you are in concert with us; you believe the same things we do? I would say: I absolutely do. I absolutely do. They said: You want those girls back? I said: Yes, I do. But I don't want just the girls that Boko Haram took; I want the girls back that have been aborted. I want those girls back whose lives were ended. I want you to really face the truth of what is going on in America today.

The wordsmithing that takes place here in the people's House, on the floor, people talk about abortion as healthcare, taking the life of a little boy or a little girl is healthcare.

Every night, we see pictures of what Russia is doing to Ukraine. Yet, we have a deaf ear to the cries of the unborn, and we don't look at all to those who are being lost every day. Because if you don't see them, I guess they don't count.

Congress has long required that taxpayer dollars are not to be used for abortions, and President Biden has actively tried to circumvent this requirement. In April of 2021, under President Biden's leadership, the NIH announced it would no longer require fetal tissue research projects funded by the agency to go through an ethics advisory board.

So the question then becomes: Why do we have an ethics advisory board, if we are not going to go to them to find out what it is that we are talking about?

Then in September of 2021, we began hearing the horrific allegations of illegal abortions being performed at the University of Pittsburgh for harvesting fetal tissue.

I can tell you, me being on the floor tonight will resonate in Pittsburgh and, unfortunately, it won't be by those who are pro-life; it will be by those that think that somehow this is an attack on Pitt and not an attack on little unborn boys and girls.

For all of those who do not like what I am saying tonight, please take off your blinders and understand what is taking place.

We began hearing all of these horrible allegations of illegal abortions being performed at the University of Pittsburgh for harvesting fetal tissue. These abortions were performed as part of Pitt's participation in an NIH program for the university to operate as a fetal tissue repository for research happening around the country.

The types of abortions Pitt is accused of performing are horrific. Babies that survived the abortion would be born alive and then killed. This was to preserve—this is really hard to understand—this is to preserve the fetal cells longer, a process known as maximizing warm ischemia time.

When you say: Well, what is that? When you talk to the scientists, well, the idea is the warm tissue is actually more valuable for our studies. So a baby boy or girl that survives this abortion, that is the tissue that is the most valuable to us.

Now, I think if any of us came upon some kind of accident or saw somebody

who was in grave danger, we would want to save them. Somebody who has endured an unbelievable process and survived it, we would save them; we would not take advantage of that.

This program was supported by taxpayer funding through the NIH program. So congratulations, Mr. and Mrs. Taxpayer, for all the things that you hate, you are helping to fund it.

This isn't the only abortion project that the National Institutes of Health is funding, though. The NIH expects to spend \$88 million on human fetal tissue research in this year alone.

When these allegations began coming out—which I thought was a real good move by the university—they hired a law firm to conduct an independent review of Pitt's abortion process. Somebody is questioning the process you do, so you say: Here is what I will do. I want to participate with you, so I will provide the funding to an independent research group. That law firm was a Washington, D.C.-based consulting firm that employs Pitt grads. What a surprise.

The review determined that Pitt was totally in compliance with the law. They didn't say what Pitt was doing was right; they said they were in compliance with the law, even though that report completely failed to look into Planned Parenthood or UPMC, who were partners with this NIH program.

When all of this came out, we sent a letter, along with Representative MORGAN GRIFFITH and over 50 of our colleagues, asking the NIH for answers on how it funds and oversees these abortions programs. It took them months to respond to me, which is not unusual for any letter you send to any agency here in Washington, D.C.

When they finally did reply to us, they simply pointed out to me and to the rest of us: Please, look at Pitt's independent review.

Now, this level of accountability to Congress is completely unacceptable, and it shouldn't take months for a government agency to respond to letters from any of us here in the House of Representatives. We are here representing the people who voted us in office. And when they do respond, they should respond with a substantive answer. I don't need to be horsed around and told something and told: Well, you just don't understand.

Which is absolutely correct. I don't understand. In the United States of America, why are we doing things and then covering them up and saying, we did an independent review. We paid for it, and these guys actually came up with an answer that we were looking for. So they followed the money.

A few weeks ago, Congress finally passed a budget, the first since President Biden has been in office. It was far from perfect, but it included strong protections for the unborn, protections which have been in place since the 1970s.

Less than 2 weeks later, President Biden released his 2023 budget proposal,

which included a full wish list of Democrat anti-life priorities.

Here are some examples from his recent budget: Number 1, it eliminates the Hyde amendment, which prohibits federal funding for abortions. It became law in 1976. The Hyde amendment has saved over 2.4 million lives.

□ 2030

It also wants to eliminate the Dornan amendment. The Dornan amendment prevents taxpayer dollars from being used to pay for abortion in the District of Columbia. Without this protection, D.C. taxpayer dollars could pay for an estimated 1,400 to 1,500 abortions every year. Every year.

It increased Title X family planning funding by \$113 million. Title X is a prime funding source for Planned Parenthood, providing it with \$56 million taxpayer dollars annually. Now, on January 21, 2022, the Biden administration awarded \$6.6 million in Title X funds from the American Rescue Plan to abortion providers. \$6.6 million in American taxpayer money to provide funds for abortion providers.

Now, I am Catholic, and oftentimes I have gone to my priest and I have said, "Father, is there some reason you cannot go into the pulpit and talk about the horrendous things that are going on in our country today?" You know what the United States Conference of Catholic Bishops said? "The USCCB remains gravely concerned about the continued efforts to expand taxpayer funding of abortion, which would occur if the Hyde amendment or any other lifesaving appropriations riders were to be removed from the annual appropriations bill."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KELLY of Pennsylvania. "We take this stand because abortion is not healthcare. It is the antithesis of healthcare."

Now, I know I am out of time, but me being out of time here on the floor does not take this country from being out of time to address the most egregious actions that are taking place.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. KELLY of Pennsylvania. Now, I just tell you, I am going to use up some time, and you can keep hammering me, but you know what? In the time we have been talking, so far, as of April 5—

The SPEAKER pro tempore. The gentleman is no longer recognized.

CRISIS AT THE SOUTHERN BORDER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2021, the Chair recognizes the gentlewoman from Colorado (Mrs. BOEBERT) for 30 minutes.

Mrs. BOEBERT. Mr. Speaker, this past Friday, Biden's CDC, formally known as the Centers for Disease Con-

trol, but often referred to now as the center for Democrat control, announced that it would be ending title 42.

At a time when liberal mayors across our country are extending mask mandates on our children in schools, and the American public is still being forced to mask-up on airplanes, the Biden regime has decided that protecting the American people from diseases, including but not limited to COVID, is not a priority if it comes at the expense of their amnesty and open borders agenda.

Now, it is no coincidence that the Biden regime has decided to drop title 42, a policy that has been used to prevent communicable diseases from spreading into the homeland via illegal aliens entering our southern border.

In fact, more than 2 million illegal aliens have been apprehended at our southern border since Joe Biden took office, and Border Patrol agents estimate another 70 percent of these illegal immigrants have not been apprehended. They call them got-aways. So, in fact, that means nearly 3.5 million illegal aliens have come across our border on Biden's watch.

Now, Republicans and Democrats from both the House and Senate have condemned canceling title 42. Some have called it dangerous, and others have called it frightening. I call it an attack on the safety and security of the American people.

It has been reported that by the time the mid-terms roll around in November of 2022, nearly 7 million illegal aliens will have crossed the southern border this year. That is larger than the populations of Denver, San Francisco, Atlanta, Washington, D.C., Boston, Seattle, Miami, Las Vegas, New Orleans, Portland, Tampa, and Detroit combined. Can you imagine?

We have a product here that is working. We have a policy that is working to deter some people away from the border, but we are going to take whatever sliver we have that is keeping people out of our country illegally and do away with it.

Maybe it is to overrun our system, maybe it is to create chaos; 8 to 10 years of backlogs, so then the American people have to accept amnesty. I am not sure exactly what the plan is, but it certainly is intentional, and that is what members of the House Freedom Caucus are here to discuss tonight.

I have with me members from the House Freedom Caucus who are going to address what has been going on at the southern border. We have been to the southern border multiple times to see firsthand what is happening—the invasion that is taking place in our country—unlike the border czar, who has failed to visit the most dangerous parts of our southern border. I think she made a trip to El Paso. And then, of course, the Commander in Chief, who is in command of nothing, he hasn't been there at all.

Mr. Speaker, I yield to the former chairman of the House Freedom Caucus, the gentleman from Arizona (Mr. BIGGS), my good friend.

Mr. BIGGS. Mr. Speaker, I thank the gentlewoman for yielding to me. I would like to help set the stage here just for a moment. Imagine, if you will, 100,000 people entering the country illegally and stopped on our border just in the first 2 weeks of March of this year. But because of title 42, which allows the Border Patrol agents to immediately turn people away because of communicable diseases, that is the term used in title 42, they sent 50,000 of them back away. You don't have to imagine it because that is true. That is exactly what happened.

If you extrapolate that out, because you can, just looking at it from January, February, March of this year, they turned away over a quarter million people under title 42.

Now, when title 42 goes away on May 23, because that is exactly what this administration wants, you will double the amount of people who are coming in just through the apprehension route. We have another record month in March. Those numbers are just out. That means that you are going to be sitting on about 300,000 to 400,000 apprehensions that you are going to be releasing right into the United States of America.

What does that do? Everybody in here knows this because you have been down to the border. I have been down to the border with you. The cartels are in it to make money. As they see this opening up, more and more people getting freedom to the United States caught and released, what they will do, and what they are already doing, by the way, is they will advertise.

The NGOs that we help fund, that the United Nations funds, will advertise. It will be chaos, chaos on the border. My prediction is somewhere around 400,000 to 500,000 people a month coming in. But it actually could be more. A lot of people are talking about the ceiling now being 18,000 people a day when that goes away. I don't think it is going to be 18,000. I think it will exceed 20,000. If it exceeds 20,000, that is 600,000 a month coming in. That is bigger than the city of Mesa in Arizona, which is Arizona's second largest city.

You know what that means? In the last half of this year, the last half of the year alone, you are going to be sitting, as you said, at 4½ to 5 million people brought into this country illegally, and that is not counting the get-aways. The get-aways last year were at least 800,000.

It is enormous; it is dangerous; it is inhumane. I haven't even touched on the inhumanity of it. We are just talking up here. We are not getting granular. We are just talking about the over-running of America, our culture, and our sovereignty. We won't have much of a nation after this is done.

You said it yourself, is this incompetence? The answer is no, this is will-

ful. This is willful, and this is what they want.

Mrs. BOEBERT. Mr. BIGGS, do you believe that the cartels have been emboldened during Biden's first year as President of the United States?

Mr. BIGGS. Absolutely, 100 percent. Do you know how we know they have been emboldened? Because it used to be they would have the coyotes take the people up and locate them in the U.S. They don't do that anymore. The coyotes take them up, they put them on the border and say, "We don't have to go in with you. Go in. Go in with your cell phone." Oh, by the way, Biden administration says now they are going to give away a cell phone to every illegal alien crossing the border.

But they will just come across. I have seen it; you have all seen it. They are walking across, they are FaceTiming their friends back home: "Yeah, I made it in." They are dressed nice; they are dressed clean. The cartels are emboldened not just at the southern border any longer.

This is spilling over into the country, and we are seeing violence along the border because of it, and you are seeing cartel members ship all over. If there are drugs being distributed anywhere in the United States, you have got cartels there.

Mrs. BOEBERT. What about these illegal aliens who are coming through with the help of the cartel, what do they owe the cartel for getting into the United States?

Mr. BIGGS. The average price right now is \$4,000 to \$7,000, unless you are from China, and then it is \$35,000. Very few of these people have that to pay. Guess what happens? Either they can work it off by delivering illicit drugs, helping to smuggle human beings, including sex trafficking, or they come in, they get a job, and they are indentured servants. They are effectively slaves to the cartel, and they will never work it off, because the cartels are taskmasters at this. They know exactly how to keep these folks under their thumb.

Mrs. BOEBERT. Mr. BIGGS, you also chair the Border Security Caucus, and you recently brought in Secretary Mayorkas. Thank you for bringing him here to the Hill so we could ask some questions.

Now, he was talking about title 42 being a CDC issue, and that is not really his issue to enforce. That is not his policy to enforce. What is a policy that he could enforce that would effectively secure our border?

Mr. BIGGS. He could enforce the MPP, the migrant protection protocols. That is the remain in Mexico policy. What he could do is, instead of enforcing that at 9 people a day—that is the number we heard earlier this week, 9 people a day—you could actually enforce it the way it was intended to be enforced, and that would be thousands a day because we have thousands of folks coming in. That would be another deterrent. That is just one of the things that he could do.

He could actually go in and encourage us to fix the Flores law or the TVPRA laws. All of those things would be deterrents. But, instead, he has opened it wide open. He has taken away any deterrent. Instead, he is basically encouraging people to come into this country illegally.

Mrs. BOEBERT. Thank you. Now, one final question for you here. You are a businessman. We may have 7 million undocumented workers in our country by November. What does that mean for our economy?

Mr. BIGGS. Well, first of all, the underground economy right now for people, my estimate is about 25 to 27 million illegal aliens in the country. You are going to bring in another 7 million, so you are going to have an underground economy. Those people who are not skilled laborers are going to have a tough time getting jobs. A lot of these folks are going to go on social welfare programs, even though they are not supposed to be allowed to. They will get on social welfare programs.

We are already on the verge of stagflation right now, high inflation and a shrinking GDP. As that happens, and you bring in that many people undocumented, you are going to actually exacerbate both those problems, and we may see the likes of something we haven't seen since Jimmy Carter. It might even exceed what happened under Jimmy Carter, who was probably the most unfortunate and incompetent President in my lifetime.

Mrs. BOEBERT. We have more Members joining us here from the House Freedom Caucus to talk about title 42. Thank you so much, Congressman BIGGS, for your insight on this. I know that you work really hard in studying what is going on at the southern border.

I have the gentleman from South Carolina (Mr. NORMAN) here now. Do you believe that this regime is responsible for signaling to poor and desperate people that now is the time to take this dangerous journey, to break our laws, to come into our country, and live under the freedoms and protections our country provides but not as a citizen?

Mr. NORMAN. Well, first of all, thank you for organizing this discussion to inform the American people what is going on. As Andy has said, this President is willfully and directly causing this to happen to the American people.

You are a businessperson. You run a restaurant. I am in the development world. Who would let anybody come into your business or to your home, not know who they were, not know why they were there?

It is insane what this administration is doing. By taking title 42, as has been said, it prohibits—that is the only tool that President Trump had at his disposal and President Biden has, but he is doing away with it because that is what he is encouraging.

Lauren, think about this, how unfair is it to that law enforcement agency,

that law enforcement official stopping a car not knowing who is in it, not knowing what his background is, having no information, how safe is that for that law enforcement officer?

□ 2045

Mr. NORMAN. Mr. Speaker, how unfair is it to the municipalities and the cities that are going to have to pay for the hospital care, for the schooling? How fair is that?

Well, it is not. It is intentional. It is willful.

As people ask me all the time, why is he doing this? He is burning the house down before, I assume, the November elections, which the House will turn over, and hopefully, we will elect Freedom Caucus members who have got the steel and the spine to do something about it.

He sold out not only to the citizens; he sold out to China and those that he is indebted to. We are going to find out more and more about that as we move forward.

Mrs. BOEBERT. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. PERRY. Mr. Speaker, I am so happy that the gentlewoman from Colorado organized this effort tonight. We need to be speaking about it, and of course, I would call on our friends from this side of the aisle.

It is interesting that we are standing on this side of the aisle. I mean, thank goodness somebody is willing to stand over here and defend the country.

Mr. Speaker, I call on my Democrat colleagues to start answering some questions and start defending their country from this invasion.

But if the gentleman doesn't know this, if you do a quick calculation—this isn't Congressman PERRY, Congresswoman BOEBERT, Congressman ROY, any of us up here. This is DHS. The Department of Homeland Security is bracing for 18,000 crossings a day, 18,000 people coming across the border illegally each day.

Now, I don't know, for each one of you, the size of your town where you come from, but I suspect 18,000 in any town would make a pretty big dent unless you are talking about one of the major cities like Los Angeles or something like that.

Even so, 18,000 a day, Mr. Speaker, that is over 6½ million people, if we keep that rate up, 6½ million people in 1 year illegally coming to our country.

Congressman NORMAN or Congresswoman BOEBERT, could your business sustain something like that?

Mrs. BOEBERT. Mr. Speaker, absolutely not. The city of Rifle just hit 10,000 for our population. I mean, 18,000 people a day, that right there exceeds the little city of Rifle, Colorado.

But this is something that we absolutely cannot endure, so I am glad that we have this time tonight to discuss this.

Representative GOOD, you have been to the southern border. You have talked to Border Patrol agents. Can

you tell me what you have seen, what you have heard from Border Patrol agents?

Mr. GOOD of Virginia. Mr. Speaker, I have been there four times in my first year, the first 14 months here in this Congress.

February a year ago was the largest February in terms of illegal border crossings in the history of the country. We had 101,000 cross, some 3,000 a day, in February a year ago.

We exceeded that by 64 percent this most recent February. We went from 101,000 to 165,000.

Now, it is so bad with what this President has allowed to happen in the last year that 165,000 in a month doesn't sound like a really bad month for this President.

That is because, again, it was 101,000 last February, but it increased as the year went on to where it was some 200,000 a month later on into the year, as we know, and 2 million in the first year this President was in office.

As others have already pointed out, with him rescinding title 42, I guess he was afraid that is a policy, a law, that might help repel some illegals back across the border, might allow us to return some if we actually would enforce the law.

So, we are rescinding title 42, which, as already has been said, will take it from 7,000 to 2½ times as large. Mr. Speaker, 18,000 a day is the average, 500,000 in the first 30 days.

This President is on pace for some 10 to 15 million illegal entries into our country in his first and hopefully only term.

I was in a Budget Committee hearing today with Congresswoman BOEBERT. We had Secretary Becerra there, the HHS Secretary. HHS has been called in not to help stop the border crossings but to help facilitate those.

Mr. Speaker, I asked him today, I said: Who do you think should be let across our border, or who should be prevented from going across our border? Are there any restraints you would put upon anyone who wants to come across our border, or do you think everyone should be able to come across illegally?

He said: Well, we are talking about violating the law. You are saying it is illegal. Why would we permit anyone to violate the law?

Our President is violating the highest law of the land. The Constitution that we all and he swore to uphold, Article IV, Section 4 says: "The United States shall guarantee to every State in this Union a republican form of government and shall protect them against invasion."

As we look to next year, I want to go on record and say—some of you were on the articles of impeachment with me. Congresswoman BOEBERT drafted those. How do we declare this the public health emergency that it is, the national security crisis that it is, the health crisis that it is, the social services crisis that it is, the education cri-

sis that it is, and the unlawful process that it is and not hold this President responsible when we have the House majority, Lord willing, a year from now? How can we not impeach this President?

Mrs. BOEBERT. Mr. Speaker, I agree that that absolutely needs to be brought up in the next Congress.

Now, these appointed Secretaries, they really have turned our Border Patrol agents into travel agents. They are being shipped all throughout our country, these illegal immigrants, and every State is now a border State.

Congressman GOOD is from Virginia. We have Congressman RALPH NORMAN here from South Carolina. I am from Colorado. But someone who has a front seat view here, the gentleman from Texas (Mr. ROY), this has been a really hot topic for him, and rightfully so.

Republicans and Democrats from both Houses of Congress have said that they don't support ending title 42, yet no legislation or action has been taken to reinstate it. What are your thoughts on that?

Mr. ROY. Mr. Speaker, I thank the gentlewoman from Colorado (Mrs. BOEBERT), and I thank all colleagues from the House Freedom Caucus for joining me here on the floor.

I thank my friend from Virginia, who joined me down in Del Rio, Texas, just a month ago, where we saw firsthand what is actually happening in real-time on the border, something that we know and, unfortunately, my colleagues on this side of the aisle refuse to acknowledge and refuse to do anything about.

Now, as you all know, one of our Freedom Caucus colleagues from New Mexico (Ms. HERRELL) filed, 14 months ago, a piece of legislation to require that title 42 be enforced at our border.

For those listening at home, title 42 is our power as a country to stop communicable diseases and people with communicable diseases from coming across our border. It is an important tool that President Trump and his administration put in place in the last year of his administration to ensure that we stop the flow of people across the border from inundating and overwhelming Border Patrol.

We knew this was coming. Fourteen months ago, we knew this was coming. A year ago, we came together. I filed a discharge petition as part of this team to say that we can force a vote on the floor of the House.

Well, the Speaker of the House refuses to bring to a vote a measure to enforce title 42. Everybody listening at home, the Speaker of the House, who has control of the floor, refuses to bring forward a vote on title 42 to require enforcement of the border. We are trying to change that.

We have almost every single Republican, I think save one, who has filed that, 210 signatures. We need 218. Where are my colleagues on the other side of the aisle? Where are those from border States?

Mr. Speaker, we have zero Democrats on that title 42 discharge position.

Now, as the gentlewoman from Colorado (Mrs. BOEBERT) noted, there are at least four noteworthy United States Senators who are Democrats who said we should not end title 42: Mr. TESTER, Mr. MANCHIN, Ms. SINEMA, and Mr. KELLY. Those four Senators have said we should not end title 42.

Now, I will wrap up and pass it to someone else just to say this: How many dead migrants is enough? How many dead Americans from fentanyl poisoning is enough? How much money in the pockets of dangerous cartels is enough? How many bullets need to fly at the border? How many homes need to be destroyed? How many cars need to be wrecked?

How many DPS agents need to be killed or endangered? How many people need to be harmed before this administration will do its job? How many criminals need to be let off in the United States and not prosecuted under ICE? When are we going to change this and actually secure our country?

Those are my questions for Secretary Mayorkas.

Mrs. BOEBERT. Mr. Speaker, we talk about this issue regularly in our meetings with the House Freedom Caucus, and one question that comes up regularly is, where is KAMALA HARRIS? Where is the border czar in this? Are there any plans for her to visit the southern border?

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. TIFFANY. Mr. Speaker, KAMALA who? In all seriousness, it is unfortunate that Vice President HARRIS has not fulfilled her mission to be the border czar. It is awful.

Did you see the news today in regard to the free phones that the White House Press Secretary talked about today, free phones for migrants?

Think about it. I was down in Panama almost a year ago and went to the Darien Gap. Who did I see? IOM, the International Organization for Migration. Where do they get their money? They get a lot of their money from the United Nations. Who puts the most money into the United Nations? Yes, Americans do.

Back home on the farm, we used to refer to this as—my colleague from Texas just said how many, how many? I would say to you also: How much?

We used to refer to it as eating your seed corn. Americans pay an international organization to send debit cards for these people to take themselves up the Panama pipeline all the way to the southern border. Then you pay for a bus ride to get them to the airport. Then you pay for an airline ride: Philadelphia, Baltimore, wherever. They are going around the country.

Then you pay for the education, the free education they are going to get.

You pay for the healthcare.

That is what you Americans are paying for every single day for over 2 million people, and it is about to get worse.

To highlight how it is going to get worse and how obtuse this side of the aisle is, we are sitting in the Committee on the Judiciary today creating another loophole in the Virgin Islands. There is another loophole that is being created for visa waiver privileges, something that we saw in the Mariana Islands that was created about a decade ago under the Obama administration where they allowed parole for people to be able to come in, Chinese nationals.

There were maybe, like, eight births that were being done on those islands prior to this change that was quietly made in the law. It accelerated to—there were, like, 600 births of Chinese nationals that happened in the Mariana Islands as a result of this loophole.

If you want to see the reporting on it, The Wall Street Journal did an excellent job. It was one of our intelligence agencies in 2017 that really dug into this.

Yes, here is this huge loophole, and they want to now create it in the Virgin Islands. That is what we are voting on tonight in the Committee on the Judiciary.

They want to create another loophole, and they are, like, oh, it will only be a few people. Do the American people believe that?

Mr. ROY. Mr. Speaker, I appreciate my fellow border Stater being down here. You hold those Mounties back up there, okay? Keep them at bay.

Mr. TIFFANY. Mr. Speaker, every State is a border State, including my State of Wisconsin.

Mr. NORMAN. Mr. Speaker, it is not just the phones. What about the gas cards that are in the latest budget that the President had? What about that?

Just to put some context to this, Texas, I think you have about 15 to 20 million people. South Carolina has 5.3 million. That is the number that is going to be coming into this country in the next 4 months if the pace continues.

It is a travesty. It is something that Americans have to be aware of and stop. God help us all if they do exactly what was said. To fund all of this, America is at the breaking point.

Mr. TIFFANY. Mr. Speaker, so if I may extend my point a little bit. Think about it. Tonight, we are debating, in the Judiciary Committee, creating another loophole. It shows how unserious they are, how they do not have the interests of the American people at hand. They want to create another loophole, and this one is in the Virgin Islands, not in the South Pacific.

People are going to be able to be funneled in here by the thousands as a result of that loophole—just another way to bring people into this country to compete against hardworking Americans who have to not only try to make their way up the scale, the economic ladder here in America, but now, with inflation, they have to fight that, too.

Mrs. BOEBERT. Mr. Speaker, we are wrapping up here. We have 30 seconds.

Mr. Speaker, I ask the chairman for his final thoughts.

Mr. PERRY. Mr. Speaker, my final thoughts are that there are Democrats that are decrying this. We can do something about it, and they can do something about it right here in this House. They can walk right down there to the well and sign this discharge petition. We don't need all of them; we need eight of them.

Bring the bill up. If they don't believe we ought to continue to try and secure our border with title 42, they can vote against it, but let us have a vote.

We are just asking for a vote. Let's see what the vote count is, and then the American people will know who stands with them and who stands for a wide-open border because that is what we are going to have. Think about that.

To the gentlewoman from Colorado (Mrs. BOEBERT), we certainly appreciate her putting this together for us and providing the opportunity to come and talk on behalf of our constituents that are very concerned about this.

Mr. TIFFANY. Mr. Speaker, the chairman could lead the way. He could lead the way.

Mr. ROY. Mr. Speaker, I would only add that I have seen some reports that there are a number of Democrats in the Senate joining with Republicans in the Senate to try to do something about this. I hope that is true.

But my little warning to that is, I keep hearing words about, well, let's keep title 42 in place until we see a plan. Look, I don't want one of these plans full of words, okay? I want the border secure. I want title 42 enforced. That ought to be the metric that we are gauging everything by.

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Mr. GOOD of Virginia. Mr. Speaker, it is simple. Complete the wall. End catch and release. Reinstate remain in Mexico and title 42. Require E-verify. Take amnesty off the table.

Speaker Mrvan, we would love to have you on that petition.

Mr. NORMAN. Mr. Speaker, sign the petition.

Folks, have the courage to call your Congressman. And, folks, it is time, as Winston Churchill said: "Sometimes doing your best is not good enough." We have to do what is required to close this border.

Mrs. BOEBERT. Mr. Speaker, I thank my colleagues from the House Freedom Caucus for joining me here on the House floor tonight to discuss this issue.

I would encourage all Members of Congress—both bodies, the House and Senate—to talk to a Border Patrol agent. Ask them about the policies that they need to secure our southern border. I guarantee you, they won't be telling you they need funding or personnel or even infrastructure. They

just need the policy to do their jobs so they can go home feeling like they have accomplished something and have protected American citizens.

Mr. Speaker, I yield back the balance of my time.

ENROLLED BILL SIGNED

Cheryl L. Johnson, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3197. An act to direct the Secretary of the Interior to convey to the City of Eunice, Louisiana, certain Federal land in Louisiana, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 233.—An act to designate the Rocksprings Station of the U.S. Border Patrol located on West Main Street in Rocksprings, Texas, as the “Donna M. Doss Border Patrol Station”.

S. 1226.—An act to designate the United States courthouse located at 1501 North 6th Street in Harrisburg, Pennsylvania, as the “Sylvia H. Rambo United States Courthouse”, and for other purposes.

S. 2126.—An act to designate the Federal Office Building located at 308 W. 21st Street in Cheyenne, Wyoming, as the “Louisa Swain Federal Office Building”, and for other purposes.

S. 2629.—An act to establish cybercrime reporting mechanisms, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 11(b) of House Resolution 188, the House stands adjourned until 9 a.m. tomorrow.

Thereupon (at 9 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 7, 2022, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

EC-3719. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-361, “Closing of Public Streets and Alleys Adjacent to Squares 3039, 3040, and 3043 Clarification Temporary Amendment Act of 2022”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC-3720. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-362, “Department of Human Services Emergency Powers Temporary Amendment Act of 2022”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC-3721. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-363, “Limited Coronavirus Procurement Second Extension Temporary Amendment Act of 2022”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87

Stat. 814); to the Committee on Oversight and Reform.

EC-3722. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-364, “Medical Marijuana Patient Access Extension Temporary Amendment Act of 2022”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC-3723. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-365, “Tenant Payment Plan Phasing Temporary Act of 2022”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC-3724. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-366, “Department of Insurance, Securities and Banking Emergency Powers Temporary Amendment Act of 2022”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC-3725. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-367, “East Capitol Gateway Eminent Domain Authority Temporary Act of 2022”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC-3726. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-357, “Eviction Recording Sealing Authority and Fairness in Renting Amendment Act of 2022”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC-3727. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-358, “Armstead Barnett Way Designation Act of 2022”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC-3728. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-359, “Developmental Disability Eligibility Reform Amendment Act of 2022”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC-3729. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-360, “Grandparent and Close Relative Caregivers Program Amendment Act of 2022”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 1951. A bill to increase the Federal share provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for a certain time frame during fiscal year 2020; with amendments (Rept. 117-289). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORELLE: Committee on Rules. House Resolution 1033. Resolution providing for consideration of the bill (H.R. 3807) to amend the American Rescue Plan Act of 2021 to increase appropriations to the Restaurant Revitalization Fund, and for other purposes (Rept. 117-290). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LUCAS:

H.R. 7411. A bill to direct certain financial regulators to exclude representatives of the People's Republic of China from certain banking organizations upon notice of certain threats or danger, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOONEY (for himself, Mr. WILLIAMS of Texas, Mr. KUSTOFF, Mr. HILL, Mr. DAVIDSON, Mr. BUDD, Mr. ROSE, Mr. HUIZENGA, Mr. POSEY, Mr. TIMMONS, Mr. EMMER, Mr. HOLLINGSWORTH, Mrs. WAGNER, and Mr. LUETKEMEYER):

H.R. 7412. A bill to enhance rulemaking requirements for the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Financial Services.

By Mr. POSEY:

H.R. 7413. A bill to authorize States to request that the Secretary of Homeland Security enforce the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. HUFFMAN (for himself, Mr. CASE, and Mr. GROTHMAN):

H.R. 7414. A bill to amend chapter 73 of title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a rural recruitment office within the Department of Veterans Affairs to recruit health care professionals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MASSIE (for himself, Mrs.

BOEBERT, Mr. BIGGS, Mr. BROOKS, Mr. CLYDE, Mr. COMER, Mr. DUNCAN, Mr. GAETZ, Mr. GOHMERT, Mr. GOSAR, Mrs. GREENE of Georgia, Mr. HICE of Georgia, Mr. LAMALFA, Mr. MCCLINTOCK, Mr. MOONEY, Mr. ROSENDALE, Mr. ROY, and Mrs. MILLER of Illinois):

H.R. 7415. A bill to repeal the Gun-Free School Zones Act of 1990 and amendments to that Act; to the Committee on the Judiciary.

By Ms. BASS (for herself, Ms. SCANLON, Mrs. CHERFILUS-MCCORMICK, Mrs. HAYES, and Mrs. LAWRENCE):

H.R. 7416. A bill to amend parts B and E of title IV of the Social Security Act to remove barriers and encourage kinship guardianship, foster, or adoptive placements for children who cannot be safely cared for in their own homes, and for other purposes; to the Committee on Ways and Means.

By Mrs. BICE of Oklahoma (for herself, Mr. HERN, Mr. MULLIN, Mr. COLE, and Mr. LUCAS):

H.R. 7417. A bill to designate the facility of the United States Postal Service located at 120 East Oak Avenue in Seminole, Oklahoma, as the “Sergeant Bret D. Eisenhower Memorial Post Office Building”; to the Committee on Oversight and Reform.

By Mr. CAWTHORN:

H.R. 7418. A bill to amend title XI of the Social Security Act to exclude certain individuals and entities from participation in Medicare and State health programs that discriminate on the basis of a covered statement; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself, Mr. FITZPATRICK, Mrs. WAGNER, and Mrs. LESKO):

H.R. 7419. A bill to reauthorize the Victims of Child Abuse Act of 1990, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMMER:

H.R. 7420. A bill to amend the Congressional Budget Act of 1974 to set responsible budget targets; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. FISCHBACH (for herself, Mr. STAUBER, and Mr. HIGGINS of Louisiana):

H.R. 7421. A bill to authorize a Law Enforcement Education Grant program to encourage students to pursue a career in law enforcement; to the Committee on Education and Labor.

By Mr. FOSTER (for himself, Mr. MEEKS, Mrs. DEMINGS, Mr. GRIJALVA, and Mrs. BEATTY):

H.R. 7422. A bill to amend the HITECH Act to allow an individual to obtain a copy of such individual's protected health information at no cost unless certain circumstances apply, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GIMENEZ (for himself, Mrs. CAMMACK, Mr. DONALDS, and Ms. SALAZAR):

H.R. 7423. A bill to prohibit imposing certain COVID-19 face covering and vaccine mandates, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT:

H.R. 7424. A bill to reduce instances of placement of inmates in restrictive housing, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself and Mr. GOSAR):

H.R. 7425. A bill to eliminate Federal regulatory crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Georgia (for himself, Mr. NADLER, Mr. JONES, Mr. CICILLINE, and Mr. QUIGLEY):

H.R. 7426. A bill to amend title 28, United States Code, to provide for the establishment of a code of conduct for the justices of the Supreme Court of the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Oversight and Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI (for herself, Mr. MULLIN, Mrs. DAVIDS of Kansas, and Mr. ESTES):

H.R. 7427. A bill to amend title XI of the Social Security Act to require CMI testing of incentive payments for behavioral health providers and certain other providers for adoption and use of certified electronic health record technology, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PORTER (for herself and Mr. CONNOLLY):

H.R. 7428. A bill to amend the Internal Revenue Code of 1986 to require electronically prepared tax returns to include scannable code when submitted on paper; to the Committee on Ways and Means.

By Mr. SHERMAN (for himself, Mr. GREEN of Texas, Ms. DEAN, Ms. ADAMS, Ms. BOURDEAUX, Mr. LAWSON of Florida, Mr. CLEAVER, Mr. COSTA, Mr. DOGGETT, Mr. GARAMENDI, Mr. LIEU, Mrs. CAROLYN B. MALONEY of New York, Mr. MFUME, Mr. PAPPAS, Mr. VARGAS, and Ms. WILD):

H.R. 7429. A bill to impose sanctions with respect to the use of cryptocurrency to facilitate transactions by Russian persons subject to sanctions, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Nebraska (for himself, Mr. BUCHANAN, Mr. FERGUSON, Mrs. WALORSKI, Mr. LAHOOD, Mr. WENSTRUP, Mr. MURPHY of North Carolina, Mr. ESTES, Mrs. MILLER of West Virginia, Mr. SMUCKER, and Mr. HERN):

H.R. 7430. A bill to establish limitations on modifications to trade agreements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOTO (for himself, Ms. SALAZAR, Mr. POSEY, Mr. CASE, Mr. GIMENEZ, Mr. LAWSON of Florida, Ms. MALLIOTAKIS, Mr. RUPPERSBERGER, and Mr. BILIRAKIS):

H.R. 7431. A bill to direct the Secretary of Commerce to establish a grant program to facilitate the training and employment of veterans for certain conservation activities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STAUBER:

H.R. 7432. A bill to amend the Internal Revenue Code of 1986 to equalize the charitable mileage rate with the business travel rate; to the Committee on Ways and Means.

By Mr. SWALWELL (for himself and Mr. FITZPATRICK):

H.R. 7433. A bill to protect airline crew members, security screening personnel, and passengers by banning abusive passengers from commercial aircraft flights, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNERNEY (for himself, Ms. BLUNT ROCHESTER, Mr. CASTEN, Mr.

RUSH, Ms. STEVENS, Ms. NORTON, Mr. GRIJALVA, Mr. TONKO, Mr. GALLEGO, Mr. CICILLINE, Mr. OBERNOLTE, Ms. TITUS, Ms. ROSS, Mr. FOSTER, Mr. KRISHNAMOORTHY, Mr. WESTERMAN, Mr. SCHIFF, Mr. KILMER, Ms. HOULAHAN, Mr. SOTO, and Mr. CASE):

H. Res. 1034. A resolution supporting the goals and ideals of Mathematics and Statistics Awareness Month; to the Committee on Education and Labor.

By Ms. LOFGREN (for herself and Mr. RODNEY DAVIS of Illinois):

H. Res. 1035. A resolution adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Seventeenth Congress; to the Committee on House Administration.

By Ms. BONAMICI (for herself, Ms. CLARK of Massachusetts, Ms. SPEIER, Mr. RUPPERSBERGER, Mr. BISHOP of Georgia, Ms. NORTON, Mr. BOWMAN, Ms. WILLIAMS of Georgia, Ms. JACOBS of California, Mrs. HAYES, Mrs. MCBATH, Mr. MOULTON, Mr. JONES, Mr. POCAN, Ms. VELÁZQUEZ, Ms. ADAMS, Mr. CÁRDENAS, Mrs. CHERFILUS-MCCORMICK, Ms. CLARKE of New York, Ms. NEWMAN, and Ms. LOIS FRANKEL of Florida):

H. Res. 1036. A resolution expressing the sense of the House of Representatives that all young children and families should have access to high-quality, affordable childcare and early education; to the Committee on Education and Labor.

By Mr. THOMPSON of Mississippi:

H. Res. 1037. A resolution recommending that the House of Representatives find Peter K. Navarro and Daniel Scavino, Jr., in contempt of Congress for refusal to comply with subpoenas duly issued by the Select Committee to investigate the January 6th attack on the United States Capitol; considered and agreed to.

By Mrs. SPARTZ (for herself, Mrs. BICE of Oklahoma, Mr. MOOLENAAR, Mr. FITZPATRICK, Mr. HUDSON, Mr. JOHNSON of Ohio, Mr. DUNN, Mr. DIAZ-BALART, and Mr. WEBSTER of Florida):

H. Res. 1038. A resolution expressing the sense of the House of Representatives condemning the Russian Federation, President Vladimir Putin, members of the Russian Security Council, the Russian Armed Forces, and Russian military commanders for committing atrocities, including alleged war crimes, against the people of Ukraine and others; to the Committee on Foreign Affairs.

By Mr. BISHOP of North Carolina:

H. Res. 1039. A resolution providing for the consideration of the joint resolution (H.J. Res. 72) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Disease Control and Prevention relating to "Requirement for Persons To Wear Masks While on Conveyances and at Transportation Hubs"; to the Committee on Rules.

By Mr. LEVIN of Michigan (for himself, Mr. KEATING, Mr. FITZPATRICK, Mr. QUIGLEY, Mr. CARSON, Mr. CICILLINE, Mrs. CAROLYN B. MALONEY of New York, Ms. NEWMAN, Ms. JACKSON LEE, Ms. SHERRILL, and Mr. TRONE):

H. Res. 1040. A resolution expressing the sense of the House of Representatives regarding the boycott of certain companies that continue to operate in Russia and provide financial benefits to the Putin regime; to the Committee on Foreign Affairs.

By Mr. MAST (for himself, Ms. SCHAKOWSKY, Mr. GALLAGHER, Mr. LANDEVIN, and Mr. TRONE):

H. Res. 1041. A resolution supporting the designation of July 20, 2022, as “Glioblastoma Awareness Day”; to the Committee on Energy and Commerce.

By Mr. TORRES of New York:

H. Res. 1042. A resolution expressing the sense that there should be established a “National Garifuna Immigrant Heritage Month” in April to celebrate the great contributions of Americans of Garifuna immigrant heritage in the United States who have enriched the history of the Nation; to the Committee on Oversight and Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LUCAS:

H.R. 7411.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: The Congress shall have Power To regulate Commerce with foreign nations, and among the several States, and with the Indian Tribes.

By Mr. MOONEY:

H.R. 7412.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution

By Mr. POSEY:

H.R. 7413.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. HUFFMAN:

H.R. 7414.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 18

By Mr. MASSIE:

H.R. 7415.

Congress has the power to enact this legislation pursuant to the following:

2nd Amendment of the U.S. Constitution

By Ms. BASS:

H.R. 7416.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the United States Constitution, providing—“All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

By Mrs. BICE of Oklahoma:

H.R. 7417.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7. To establish Post Offices and post Roads.

By Mr. CAWTHORN:

H.R. 7418.

Congress has the power to enact this legislation pursuant to the following:

Article 1. Section 8

By Mr. COSTA:

H.R. 7419.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mr. EMMER:

H.R. 7420.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the Constitution

By Mrs. FISCHBACH:

H.R. 7421.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. FOSTER:

H.R. 7422.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. GIMENEZ:

H.R. 7423.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8. To make laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. GOHMERT:

H.R. 7424.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the U.S. Constitution: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GOHMERT:

H.R. 7425.

Congress has the power to enact this legislation pursuant to the following:

Amendment IV

Amendment V

Article I, Section 8, Clause 18

By Mr. JOHNSON of Georgia:

H.R. 7426.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, section 8, clause 9 and Article I, section 8, clause 18 of the United States Constitution.

By Ms. MATSUI:

H.R. 7427.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution

By Ms. PORTER:

H.R. 7428.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SHERMAN:

H.R. 7429.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. SMITH of Nebraska:

H.R. 7430.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3

By Mr. SOTO:

H.R. 7431.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mr. STAUBER:

H.R. 7432.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. SWALWELL:

H.R. 7433.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution, specifically clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 82: Mr. BOWMAN.

H.R. 310: Mr. KIND.

H.R. 471: Mr. CARTER of Georgia, Mr. BUCSHON, Mr. HILL, Mr. BENTZ, Mr. SCHWEIKERT, Mr. SIMPSON, Mr. BALDERSON, Mr. BOST, and Mr. MEUSER.

H.R. 515: Mr. CALVERT.

H.R. 816: Mrs. LAWRENCE.

H.R. 1179: Ms. STEVENS, Mr. KELLY of Pennsylvania, and Mr. STEUBE.

H.R. 1255: Mr. EVANS.

H.R. 1271: Mr. LANGEVIN.

H.R. 1346: Mr. MOONEY.

H.R. 1542: Mr. KILDEE.

H.R. 1607: Ms. TITUS and Mr. PAPPAS.

H.R. 1729: Mr. NEWHOUSE.

H.R. 1735: Ms. ROSS and Ms. CASTOR of Florida.

H.R. 1745: Ms. SALAZAR, Mr. MOOLENAAR, and Mrs. MILLER-MEEKS.

H.R. 1756: Ms. JAYAPAL.

H.R. 1803: Mr. LOWENTHAL.

H.R. 1842: Mr. MCCAUL and Ms. DELAURO.

H.R. 2007: Mrs. KIRKPATRICK, Mr. TAKANO, Ms. STRICKLAND, and Mr. BOWMAN.

H.R. 2067: Mr. GREEN of Tennessee.

H.R. 2192: Mr. DUNN.

H.R. 2198: Mr. SCOTT of Virginia.

H.R. 2209: Ms. MALLIOTAKIS.

H.R. 2222: Mr. SIRES.

H.R. 2549: Mr. GARCÍA of Illinois and Mrs. LAWRENCE.

H.R. 2965: Mr. LIEU.

H.R. 3072: Mr. PHILLIPS and Mr. MFUME.

H.R. 3114: Mr. TAKANO.

H.R. 3149: Ms. SANCHEZ and Mr. JEFFRIES.

H.R. 3215: Mr. NEWHOUSE.

H.R. 3252: Mr. WITTMAN.

H.R. 3297: Ms. SCHAKOWSKY.

H.R. 3342: Ms. SPANBERGER.

H.R. 3461: Mrs. LESKO.

H.R. 3474: Mr. MALINOWSKI.

H.R. 3549: Ms. WILD and Mr. CARTER of Louisiana.

H.R. 3572: Mr. NEGUSE.

H.R. 3577: Ms. PINGREE and Ms. KAPTUR.

H.R. 3630: Mr. CAWTHORN, Mr. BEYER, Mr. DAVIDSON, Mr. GOLDEN, and Ms. STANSBURY.

H.R. 3650: Mr. BACON.

H.R. 3816: Mrs. LAWRENCE and Ms. WILD.

H.R. 3860: Mr. MULLIN.

H.R. 3897: Ms. UNDERWOOD.

H.R. 3959: Mr. LEVIN of Michigan.

H.R. 4043: Mr. LAMB.

H.R. 4108: Ms. LEE of California.

H.R. 4122: Ms. NORTON.

H.R. 4134: Ms. BARRAGAN.

H.R. 4277: Ms. BROWN of Ohio.

H.R. 4290: Mr. NEHLS.

H.R. 4319: Mr. VAN DREW.

H.R. 4568: Ms. FOXX, Mr. MCKINLEY, Mr. AUSTIN SCOTT of Georgia, Mr. BACON, Mr. CURTIS, Mr. WILSON of South Carolina, Mr. GRAVES of Missouri, Mr. PALAZZO, Mr. CALVERT, and Mr. OWENS.

H.R. 4607: Mr. MCKINLEY and Mr. HUDSON.

H.R. 4700: Ms. TITUS and Mr. COHEN.

H.R. 4750: Mr. PRICE of North Carolina and Mr. PANETTA.

H.R. 4766: Mr. CARSON, Mr. THOMPSON of Mississippi, and Ms. NEWMAN.

H.R. 4803: Mr. FITZPATRICK.

H.R. 4817: Mr. LANGEVIN.

H.R. 4949: Mr. PAPPAS.

H.R. 5129: Mr. SCHNEIDER, Mr. CARTER of Louisiana, Mr. NADLER, Mr. BROWN of Maryland, Mr. DANNY K. DAVIS of Illinois, Ms. LEE of California, Ms. DEAN, Mr. PAYNE, and Mr. THOMPSON of California.

H.R. 5189: Mr. CARBAJAL.

H.R. 5227: Mr. SHERMAN and Mr. GOMEZ.

H.R. 5514: Mr. ARRINGTON.

H.R. 5754: Mrs. BUSTOS, Ms. PORTER, Mr. TIMMONS, Mr. BISHOP of Georgia, Mr. VAN DREW, and Mr. WEBSTER of Florida.

H.R. 5819: Mr. BISHOP of Georgia.
 H.R. 5874: Mr. MOONEY.
 H.R. 5972: Mr. PANETTA.
 H.R. 5987: Ms. KUSTER.
 H.R. 6087: Mr. POCAN, Mr. TAKANO, and Ms. BONAMICI.
 H.R. 6100: Ms. KUSTER, Mr. PANETTA, Mrs. MCBATH, Mr. HUFFMAN, Mr. SHERMAN, Ms. MACE, Ms. PINGREE, and Ms. BOURDEAUX.
 H.R. 6117: Ms. SCHAKOWSKY.
 H.R. 6132: Mr. PANETTA, Mr. FITZGERALD, Mr. AUSTIN SCOTT of Georgia, Mrs. FISCHBACH, Mr. FLEISCHMANN, Mrs. RADEWAGEN, Mrs. BICE of Oklahoma, and Mr. RUTHERFORD.
 H.R. 6151: Mr. MOONEY.
 H.R. 6161: Mr. LUETKEMEYER and Mr. LEVIN of Michigan.
 H.R. 6192: Mr. NEGUSE.
 H.R. 6203: Mr. LATURNER.
 H.R. 6207: Mr. MRVAN and Ms. BOURDEAUX.
 H.R. 6215: Ms. NEWMAN.
 H.R. 6273: Ms. BROWN of Ohio.
 H.R. 6283: Mr. RUPPERSBERGER.
 H.R. 6319: Ms. SALAZAR.
 H.R. 6366: Ms. MATSUI.
 H.R. 6397: Mr. HILL.
 H.R. 6398: Mr. MRVAN.
 H.R. 6405: Mr. RUIZ.
 H.R. 6411: Mr. LAMB.
 H.R. 6532: Mr. LYNCH.
 H.R. 6571: Mr. BALDERSON and Mr. GRAVES of Louisiana.
 H.R. 6611: Mr. BRENDAN F. BOYLE of Pennsylvania.
 H.R. 6613: Mr. PANETTA, Mr. LAMB, Ms. DEAN, Ms. KUSTER, and Ms. HERRERA BEUTLER.
 H.R. 6630: Mr. AGUILAR, Mr. SCHIFF, Ms. LEE of California, and Mr. GARAMENDI.
 H.R. 6631: Mr. AGUILAR, Mr. SCHIFF, Ms. LEE of California, and Mr. GARAMENDI.
 H.R. 6658: Mr. VALADAO.
 H.R. 6766: Ms. SEWELL.
 H.R. 6785: Ms. PORTER and Mr. FITZPATRICK.
 H.R. 6825: Ms. MALLIOTAKIS and Ms. BONAMICI.
 H.R. 6826: Mr. GARBARINO.
 H.R. 6836: Ms. ROSS.
 H.R. 6860: Mr. CARTER of Louisiana.
 H.R. 6889: Ms. CRAIG, Ms. NORTON, Mr. FEENSTRA, Mrs. MCCLAIN, Mr. MOORE of Alabama, and Mr. GARBARINO.

H.R. 6945: Mr. BERGMAN.
 H.R. 6967: Mr. CONNOLLY.
 H.R. 6970: Mr. BARR and Mr. WITTMAN.
 H.R. 7021: Mr. BENTZ.
 H.R. 7026: Mr. NORMAN.
 H.R. 7053: Ms. CASTOR of Florida and Ms. BLUNT ROCHESTER.
 H.R. 7057: Mr. MCKINLEY.
 H.R. 7058: Mr. GROTHMAN, Mr. CARTER of Georgia, and Mr. CRAWFORD.
 H.R. 7072: Mr. STANTON and Mr. MCCLINTOCK.
 H.R. 7076: Mrs. MCBATH, Mr. VAN DREW, Mr. MCKINLEY, and Mr. LOWENTHAL.
 H.R. 7088: Mr. KATKO.
 H.R. 7107: Mr. GOHMERT and Mr. FITZPATRICK.
 H.R. 7116: Ms. BASS.
 H.R. 7131: Mrs. LAWRENCE.
 H.R. 7144: Mr. CARSON and Mrs. MILLER-MEEKS.
 H.R. 7147: Ms. MOORE of Wisconsin.
 H.R. 7152: Mrs. HAYES and Ms. JACKSON LEE.
 H.R. 7176: Mrs. MILLER-MEEKS.
 H.R. 7179: Mr. C. SCOTT FRANKLIN of Florida.
 H.R. 7210: Mr. HARDER of California.
 H.R. 7222: Mr. HUFFMAN, Mrs. MILLER-MEEKS, and Mr. PFLUGER.
 H.R. 7240: Mr. THOMPSON of Mississippi.
 H.R. 7246: Ms. DEAN.
 H.R. 7249: Mr. MOULTON.
 H.R. 7260: Mr. MULLIN and Mrs. MILLER-MEEKS.
 H.R. 7263: Mr. GOOD of Virginia.
 H.R. 7276: Miss GONZÁLEZ-COLÓN, Mr. SWALWELL, and Mr. BROWN of Maryland.
 H.R. 7293: Mr. CLOUD.
 H.R. 7294: Mrs. RODGERS of Washington, Mr. MCKINLEY, and Mr. LATTA.
 H.R. 7303: Mr. ZELDIN, Mr. BOWMAN, Miss RICE of New York, Ms. CLARKE of New York, Ms. VELÁZQUEZ, and Mr. ESPAILLAT.
 H.R. 7310: Mr. TAKANO and Mr. ESPAILLAT.
 H.R. 7311: Mr. FITZPATRICK.
 H.R. 7344: Mr. PALAZZO and Mr. HARRIS.
 H.R. 7356: Mrs. BOEBERT.
 H.R. 7359: Mrs. HARTZLER, Mr. ALLEN, Mr. VAN DREW, Mr. MCKINLEY, Mr. BANKS, Mr. ROSE, Ms. MALLIOTAKIS, Mr. WEBER of Texas, Mr. GIMENEZ, Mr. CLINE, and Mr. GOOD of Virginia.

H.R. 7374: Mr. TORRES of New York.
 H.R. 7376: Mr. RASKIN, Ms. NORTON, and Mr. LYNCH.
 H.R. 7381: Mrs. CHERFILUS-McCORMICK and Ms. MANNING.
 H.R. 7382: Mr. SCHRADER, Mr. WILLIAMS of Texas, and Mr. PANETTA.
 H.R. 7385: Ms. ROSS, Ms. MANNING, and Ms. GARCIA of Texas.
 H.R. 7403: Mr. JOYCE of Pennsylvania.
 H.R. 7407: Mr. GOSAR, Mr. JOHNSON of Ohio, Mrs. MILLER of Illinois, Mr. WITTMAN, Mrs. RODGERS of Washington, Mr. GOHMERT, Mr. LAMBORN, and Mr. CLINE.
 H.J. Res. 3: Mr. SIMPSON and Mr. BUCSHON.
 H.J. Res. 53: Ms. UNDERWOOD and Ms. NEWMAN.
 H.J. Res. 72: Mr. BAIRD and Mr. BILIRAKIS.
 H.J. Res. 79: Mrs. MCCLAIN and Mr. BABIN.
 H. Con. Res. 45: Mr. GARBARINO.
 H. Res. 47: Mr. NEAL and Mr. BACON.
 H. Res. 174: Ms. MCCOLLUM.
 H. Res. 404: Mr. BERA.
 H. Res. 901: Mr. NEGUSE, Mr. PAPPAS, Mr. VAN DREW, and Mr. CURTIS.
 H. Res. 917: Mr. CARSON.
 H. Res. 987: Mrs. WATSON COLEMAN, Ms. PRESSLEY, Mr. CARTWRIGHT, Mr. KIM of New Jersey, Ms. DEAN, Mr. THOMPSON of Mississippi, Ms. SHERRILL, Mr. COLE, Mr. WILSON of South Carolina, Mr. JEFFRIES, Mr. COHEN, Mr. MRVAN, Mr. KHANNA, Ms. CASTOR of Florida, Mr. YARMUTH, Mr. SUOZZI, Mr. KIND, Mrs. CHERFILUS-McCORMICK, Ms. BUSH, and Mr. BUCSHON.
 H. Res. 990: Mr. VAN DREW.
 H. Res. 1015: Mr. BUCSHON.
 H. Res. 1022: Mr. CARSON and Mrs. WATSON COLEMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 1297: Mr. GALLAGHER.